

IN THE UNITED STATES COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION

MDL No. 2804

Case No. 17-md-2804

Judge Dan Polster

This document relates to:

The County of Summit, Ohio, et al.,

v. Purdue Pharma L.P., et al.,

Case No. 1:18-OP-45090 (N.D. Ohio)

\_\_\_\_\_/

VIDEOTAPED DEPOSITION OF DARIN C. KEARNS

December 05, 2018, at 9:00 a.m.

Akron, Ohio

Reported by:

Anne E. Vosburgh, CSR-6804

Job No. 3150798

-oOo-

On December 5, 2018, commencing at approximately 9:00 a.m., the deposition of Darin Kearns, taken by Counsel for the Defendants, was held at the offices of the Akron Bar Association, located at 57 South Broadway Street, Akron, Ohio, held before and stenographically reported by Anne E. Vosburgh, Certified Shorthand Reporter No. 6804, Registered Professional Reporter, Certified Realtime Reporter, and Notary Public.

1 APPEARANCES:

2

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4 the City of Akron, and the Witness:

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1 (Appearances, continued.)

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23 Kurt Henschel, Legal Videographer

## I N D E X

WITNESS: DARIN KEARNS

## ----- EXAMINATIONS -----

|                              |     |
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| Examination by Ms. Hibbert   | 13  |
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## ----- OCCURRENCES -----

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| 1  | ----- EXHIBITS ----- |                             |      |
| 2  | NUMBER               | DESCRIPTION                 | PAGE |
| 3  | Exhibit 1            | Summit County, response to  | 19   |
| 4  |                      | Interrogatory 18            |      |
| 5  | Exhibit 2            | City of Akron, response to  | 19   |
| 6  |                      | Interrogatory 18            |      |
| 7  | Exhibit 3            | Email chain, beginning      | 31   |
| 8  |                      | Bates SUMMIT_344090         |      |
| 9  | Exhibit 4            | Darin C. Kearns - CPA,      | 44   |
| 10 |                      | Curriculum Vitae, Bates     |      |
| 11 |                      | SUMMIT_001921248 through    |      |
| 12 |                      | SUMMIT_001921250            |      |
| 13 | Exhibit 5            | Summit County Children      | 116  |
| 14 |                      | Services Program Structure, |      |
| 15 |                      | Bates SUMMIT_000003847      |      |
| 16 |                      | through SUMMIT_000003857    |      |
| 17 | Exhibit 6            | 2016 Annual Report, Summit  | 174  |
| 18 |                      | County Children Services,   |      |
| 19 |                      | Bates SUMMIT_000019809      |      |
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| 21 | Exhibit 7            | Summit County Children      | 188  |
| 22 |                      | Services 2017 Budget, Bates |      |
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|    |                        |                             |
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| 1  | (Exhibits, continued.) |                             |
| 2  | Exhibit 8              | Summit County Children 212  |
| 3  |                        | Services, Adjusted Budget   |
| 4  |                        | Summary, Bates              |
| 5  |                        | SUMMIT_001463636 through    |
| 6  |                        | SUMMIT_001463637            |
| 7  | Exhibit 9              | Summit County Children 249  |
| 8  |                        | Services 2018 Budget, Bates |
| 9  |                        | SUMMIT_000990286 through    |
| 10 |                        | SUMMIT_000990324            |
| 11 | Exhibit 10             | Spreadsheet 285             |
| 12 | Exhibit 11             | September 5, 2017, SSAB 290 |
| 13 |                        | Budget and Levy Committee   |
| 14 |                        | Meeting Minutes             |
| 15 | Exhibit 12             | Email chain Kearns and 298  |
| 16 |                        | Ream, beginning Bates       |
| 17 |                        | SUMMIT_01916138             |
| 18 |                        | (Exhibits attached.)        |

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1 Akron, Ohio

2 Wednesday, December 5, 2018, 9:00 a.m.

3 -----

4 PROCEEDINGS

5 -----

6 THE VIDEOGRAPHER: We're on the  
7 record at 9:12. Today's date is December 5th,  
8 2018.

9 We're here in the matter of National  
10 Prescription Opiate Litigation. This  
11 deposition is taking place in Akron, Ohio.

12 Will counsel please identify  
13 themselves for the record.

14 MR. PENDELL: Mike Pendell,  
15 Motley Rice, for the Plaintiffs.

16 MR. ARNOLD: Andrew Arnold,  
17 Motley Rice, for the plaintiffs.

18 MS. FLOWERS: Jodi Flowers, on  
19 behalf of the County of Summit and the  
20 City of Akron.

21 MR. HART: John Hart, in-house  
22 counsel for Summit County Children  
23 Services.

24 MR. HALLER: David Haller from  
25 Covington & Burrell for McKesson.

1 MS. JALANDONI: Darcy Jalandoni  
2 of Porter Wright Morris & Arthur for  
3 Partner Health.

4 MS. FRANKLIN: Shirlethia  
5 Franklin, Jones Day, on behalf of  
6 Walmart Inc.

7 MS. FARMER: Jessica Farmer of  
8 Holland & Knight on behalf of Insys.

9 MS. DEFRANESCO: Lindsay DeFrancesco  
10 from Reed Smith on behalf of  
11 AmerisourceBergen Drug Corporation.

12 MS. HIBBERT: Kelly Hibbert of  
13 Reed Smith on behalf of  
14 AmerisourceBergen Drug Corporation.

15 THE VIDEOGRAPHER: Is there  
16 anyone on the phone?

17 MR. PENDELL: Anyone on the  
18 phone?

19 MS. IKEDA: Hi. This is  
20 Tiffany Ikeda of Arnold & Porter on  
21 behalf of Endo and the Par  
22 Pharmaceutical Defendants.

23 ---

24

25

1           DARIN KEARNS,

2           having been called as a witness, was  
3           duly sworn to testify to the truth by  
4           an authorized notary public and  
5           testified as follows.

6                           ---

7                   MS. HIBBERT: We have one  
8           housekeeping matter to go over on the  
9           record really quick before we begin the  
10          deposition.

11                   And that is that we sent  
12          correspondence to -- I think it was  
13          Ann Kearns, no relation to Mr. Kearns,  
14          the witness here today -- several  
15          correspondences on November 16th, 21st,  
16          and 27th, regarding the document  
17          production for the custodial file of Mr.  
18          Darin Kearns, the witness here today.

19                   I don't think we ever got a  
20          direct response on Mr. Kearns' document  
21          production, so we're going to reserve  
22          the right to, pending any issues that  
23          come out during the deposition here  
24          today or following the deposition with  
25          regard to additional documents that need

1 to be produced, we'll reserve the right  
2 to reopen the deposition.

3 MR. PENDELL: Okay. And I --  
4 we -- I -- just for the record, we do --  
5 I do object to that.

6 ---

7 EXAMINATION

8 BY MS. HIBBERT:

9 Q. Mr. Kearns, can you please state  
10 your full name for the record.

11 A. Sure. Darin Christopher Kearns.

12 Q. We met off the record but, again,  
13 my name is Kelly Hibbert and I represent one  
14 of the defendants today.

15 Thank you for being here today.

16 Mr. Kearns, have you ever been  
17 deposed before?

18 A. I have not.

19 Q. What's your understanding of the  
20 lawsuit that your county, Summit County, has  
21 filed?

22 A. My basic understanding of the  
23 lawsuit is to ascertain, essentially, who is  
24 responsible for the opioid epidemic and the  
25 financial impact that it has had on --

1 specifically on, for me, Summit County  
2 Children Services.

3 Q. Do you know who any of the  
4 defendants are in the case?

5 A. I do not.

6 Q. Do you know any of the other  
7 plaintiffs aside from Summit County?

8 A. I know of, I believe, Summit  
9 County Public Health. I know the County of  
10 Summit. I think the ADM board is also  
11 involved but, other than that, I don't know.

12 Q. I note specifically you don't  
13 know any of the other -- or any of the  
14 defendants in the case.

15 Do you know, generally, who  
16 Summit County has sued in this litigation?

17 A. I do not.

18 Q. Do you know any of the  
19 allegations involved in the case?

20 A. No, not specifically.

21 Q. Have you ever read the complaint?

22 A. I have not.

23 Q. Do you know what that is, a  
24 complaint?

25 A. Yes.

1                   Q.    Do you have any information as to  
2                   anything specific that any of the defendants  
3                   in this case did wrong in any way?

4                   A.    I do not.

5                   Q.    Did you do anything to prepare  
6                   for your deposition here today?

7                   A.    I met with counsel for  
8                   Summit County.

9                   Q.    And is that both in-house counsel  
10                  and outside counsel here present today?

11                  A.    Yes.   John and these gentlemen.

12                  Q.    The gentlemen here from  
13                  Motley Rice --

14                  A.    Yes.

15                  Q.    -- to your right?

16                  A.    Yes.

17                  Q.    How many times did you meet with  
18                  them?

19                  A.    I believe it was twice.

20                  Q.    When were those meetings?

21                  A.    We just met Monday and last  
22                  Thursday.

23                  Q.    How long were the meetings?

24                  A.    Roughly an hour.

25                  Q.    I don't want to know about any of

1 the conversations that you had during those  
2 meetings, but did you review any documents  
3 during those prep meetings?

4 MR. PENDELL: And you can answer  
5 whether you reviewed documents, but  
6 you're not to disclose if -- what  
7 specific documents you reviewed. Go  
8 ahead.

9 THE WITNESS: Yes, we did.

10 BY MS. HIBBERT:

11 Q. Did the review of any of those  
12 documents refresh your recollection as to  
13 events that you experienced in your  
14 employment with Summit County?

15 MR. PENDELL: Objection to the  
16 form.

17 THE WITNESS: I don't know that I  
18 understand the question. I mean --

19 BY MS. HIBBERT:

20 Q. Sure.

21 And because you haven't gone  
22 through a deposition before, let me go over a  
23 couple of ground rules. One of which is, if  
24 I ask a question here today and you don't  
25 understand, please let me know. I don't want



1           you to answer anything that you're not clear  
2           what I'm asking.

3           A.     Okay.

4           Q.     Okay?

5           A.     Uh-huh.

6           Q.     And also, you're doing a really  
7           good job so far, but make sure that you keep  
8           your answers verbal. So no nodding the head,  
9           shrugging your shoulders. The court reporter  
10          to your left and my right needs to be able to  
11          take down everything that you say.

12                   Do you understand?

13          A.     Yes, I do.

14          Q.     And you're also doing a really  
15          good job about this, but make sure to let me  
16          get my full question out before you begin  
17          your answer, and I will do the same, letting  
18          you answer before I ask the next question.

19                   Do you understand?

20          A.     Yes, I do.

21          Q.     Going back to the documents that  
22          you reviewed in preparation for your  
23          deposition, did review of any specific  
24          documents refresh your recollection as to  
25          anything regarding your employment with

1 Summit County?

2 MR. PENDELL: Objection to the  
3 form.

4 THE WITNESS: In reviewing the  
5 documents, I mean, it just helped me  
6 to -- I guess I just refreshed my  
7 memory, in terms of what I had produced.

8 BY MS. HIBBERT:

9 Q. What you had produced, what do  
10 you mean by that?

11 A. Well, the document that I was  
12 asked to produce, I -- I mean, I -- looking  
13 at it, I got an opportunity to refresh my  
14 memory.

15 Q. What document was that?

16 A. That was a spreadsheet that was  
17 produced to help us understand the impact, at  
18 that point in time, of what the cost to our  
19 agency might have been, or may have been.

20 Q. When did you produce that  
21 spreadsheet?

22 A. I don't know, specifically, but  
23 it was in 2017. Probably -- I think it was  
24 in -- probably around May 2017.

25 Q. And did you draft that

1 spreadsheet yourself?

2 A. I did.

3 Q. Did you have any help?

4 A. No.

5 (Summit County, response to  
6 Interrogatory 18, marked as  
7 Deposition Exhibit 1.)

8 (City of Akron, response to  
9 Interrogatory 18, marked as  
10 Deposition Exhibit 2.)

11 BY MS. HIBBERT:

12 Q. Mr. Kearns, I'll show you what  
13 I'm marking as Deposition Exhibits 1 and 2.  
14 And I'll give counsel a copy as well.

15 We've marked as Exhibit 1 the  
16 Interrogatory Response Number 18 for  
17 Summit County. And, Number 2, the  
18 interrogatory response for the City of Akron  
19 for Interrogatory Number 18 as well.

20 Mr. Kearns, feel free to go over  
21 both of these documents. They should be  
22 very, very similar, if not all the same,  
23 except for a couple different numbers.

24 Do you need a moment to go over  
25 that?

1                   A.     I would.   Yes, please.

2                             (Reviewing document.)

3           BY MS. HIBBERT:

4                   Q.     Mr. Kearns, to save us some time,  
5                   let me know when you're through Exhibit 1.  
6                   I'm only going to ask you some questions at  
7                   this point about that exhibit.

8                   A.     Okay.

9                             Exhibit 2 is substantially the  
10                   same?

11                   Q.     At this time we're going to set  
12                   Exhibit 2 aside for a moment.

13                             Did you have enough time to go  
14                   over Exhibit 1?

15                   A.     Well, not in full detail, but  
16                   yes.

17                   Q.     Have you ever seen that document  
18                   before?

19                   A.     I have not.

20                   Q.     Okay.

21                             Turning to the last page of  
22                   Exhibit 1, which is actually Exhibit 2 of the  
23                   interrogatory response.   Let me know when  
24                   you're there.

25                   A.     (Indicating.)

1                   Q.    Have you ever seen that  
2                   spreadsheet before?

3                   A.    I have.

4                   Q.    Is that the spreadsheet we were  
5                   just referring to that you reviewed in  
6                   preparation for your deposition and produced  
7                   to help understand the impact of the cost to  
8                   the agency?

9                   A.    Yes.   We did look at this  
10                  spreadsheet.

11                  Q.    And is that the spreadsheet that  
12                  you were referring to that you produced?

13                  A.    I did not produce this, no.

14                  Q.    The spreadsheet that you referred  
15                  to that you produced, did that -- was that  
16                  used to create this spreadsheet, to your  
17                  knowledge?

18                  A.    I do not know.

19                  Q.    What was included in the  
20                  spreadsheet that you produced in May 2017, or  
21                  around there, to help understand the impact  
22                  of the cost to the agency?

23                  A.    I was asked to look at the  
24                  child-specific costs of our agency and to  
25                  apply a percentage to those costs to get a --

1 as I said, an estimate of what the costs were  
2 related to opioid removals.

3 Q. This spreadsheet here marked in  
4 Exhibit 2 and Exhibit 1, did you have any  
5 part in putting this spreadsheet together?

6 MR. PENDELL: Objection to form.

7 THE WITNESS: I did not.

8 BY MS. HIBBERT:

9 Q. When did you review this?

10 A. I believe I saw this last  
11 Thursday.

12 Q. Had you seen it before preparing  
13 for your deposition?

14 A. I had not.

15 And I should correct my statement  
16 earlier. I did see one page from this  
17 document.

18 Q. What page was that?

19 MR. PENDELL: You know what, I'm  
20 going to ask you not to answer that  
21 question.

22 (Instruction given.)

23 THE WITNESS: Okay.

24 MR. PENDELL: Okay.

25 MS. HIBBERT: What's the basis?

1 MR. PENDELL: Attorney-client  
2 privilege and work product.

3 Anything I showed him at his  
4 deposition, he can -- I mean, he can  
5 state if this refreshes his  
6 recollection. He's not going to talk  
7 about what he was shown in preparation  
8 for his depo.

9 MS. HIBBERT: I can ask him what  
10 he has seen out of this document,  
11 whether he's seen it before.

12 He's answered that he has, and  
13 that he's seen a specific page, so I can  
14 ask him what page that is. I'm not  
15 asking him what he was shown during his  
16 prep.

17 MR. PENDELL: But you asked him  
18 when he did, and if he was shown the  
19 document at his prep. And if he  
20 tells --

21 MS. HIBBERT: I actually only --

22 MR. PENDELL: -- you that he --  
23 (Simultaneous speaking.)

24 MS. HIBBERT: -- asked him if he  
25 saw the spreadsheet during his prep --

1 MR. PENDELL: He --

2 MS. HIBBERT: -- which he's  
3 already answered.

4 MR. PENDELL: He's not going to  
5 answer that question.

6 MS. HIBBERT: Okay.

7 MR. PENDELL: So --

8 BY MS. HIBBERT:

9 Q. Mr. Kearns, have you seen this  
10 interrogatory response before?

11 A. I saw a page, and I saw the  
12 spreadsheet at the back.

13 Q. And did that page that you saw  
14 refresh your recollection in any way as to  
15 anything related to your employment with  
16 Summit County, including any of the costs or  
17 expenditures that you believe Summit County  
18 may be seeking to recover in this case?

19 MR. PENDELL: Objection to form.

20 THE WITNESS: I mean, I don't  
21 think that the spreadsheet at the  
22 back -- it doesn't appear -- it does not  
23 appear to directly link to my  
24 spreadsheet that I produced.  
25



1 BY MS. HIBBERT:

2 Q. Okay.

3 And you don't recall having any  
4 involvement in producing the numbers that are  
5 reflected in this spreadsheet in Exhibit 1,  
6 correct?

7 A. I had no direct duty in regard to  
8 preparing the spreadsheet at the back.

9 Q. Okay.

10 Can you turn to page 9 of  
11 Exhibit 1? Let me know when you're there.

12 A. I am.

13 Q. Okay.

14 Do you see your name listed there  
15 at the top of page 9 of Exhibit 1 in answer  
16 to Interrogatory Number 18 for Summit County?

17 A. Yes, I do.

18 Q. And it actually begins on page 8.

19 It says:

20 "Additionally, Plaintiff  
21 identifies the following persons  
22 with knowledge of such damages."

23 And "such damages" being listed  
24 above that on page 7 and 8. And it lists  
25 your name there on page 9.

1 Do you see that?

2 A. I'm sorry. Can you refer to  
3 where you were referring to again? I'm  
4 sorry.

5 Q. Sure. The bottom of page 8.

6 A. Okay.

7 Q. It says:

8 "Additionally, Plaintiffs  
9 identify -- Plaintiff identifies  
10 the following persons with  
11 knowledge of such damages."

12 The "such damages" being those  
13 listed above on pages 7 and 8. And it lists  
14 your name as a person with knowledge on  
15 page 9.

16 Do you see that?

17 A. Yes, I do.

18 Q. What knowledge do you have as to  
19 any of the damages listed here in  
20 Interrogatory Response Number 18, marked as  
21 Exhibit 1?

22 MR. PENDELL: Objection to form.

23 THE WITNESS: In my duties as the  
24 CFO for Summit County Children Services,  
25 I did produce a spreadsheet that

1           estimated the costs associated with  
2           opioid removals.

3                   And while I don't know that -- I  
4           mean, because I wasn't directly involved  
5           in producing this spreadsheet, my  
6           assumption is that my calculations are  
7           somehow factored into this.

8           BY MS. HIBBERT:

9                   Q.     Why do you assume that?

10                  A.     Well, I mean, I guess, because I  
11           produced a document estimating the cost that  
12           had the -- the author of this spreadsheet had  
13           to start from somewhere.

14                  Q.     Do you know who the author of  
15           this spreadsheet was?

16                  A.     I do not.

17                  Q.     And did anyone ask you to confirm  
18           that the numbers reflected in this  
19           spreadsheet in Exhibit 1 were accurate?

20                   MR. PENDELL:  Objection to form.

21                           You're not to disclose any  
22           communications you had with counsel.

23                           But if you can answer the  
24           question other than that, go ahead.

25                   THE WITNESS:  The question was

1 again?

2 BY MS. HIBBERT:

3 Q. Did anyone ask you to confirm  
4 that the numbers reflected here in Exhibit 1,  
5 the spreadsheet in Exhibit 1, were accurate?

6 A. No. I was not asked to verify  
7 these numbers.

8 Q. And did you verify them?

9 Outside of being asked, did you  
10 compare them to what you had calculated in  
11 the spreadsheet that you produced?

12 A. No. I've done no comparative  
13 work.

14 Q. Outside of the spreadsheet that  
15 you produced related to opioid removals, do  
16 you have any knowledge as to any of the  
17 damages being claimed in this case?

18 A. No, I do not.

19 Q. Do you have any knowledge as to  
20 any of the items listed on page 7 -- pages 7  
21 and 8 in the bullet points starting with  
22 "Increased availability of  
23 medication-assisted treatment"?

24 MR. PENDELL: Objection to form.

25 THE WITNESS: No, I do not.

1 BY MS. HIBBERT:

2 Q. Turning to page 6 of Exhibit 1 --  
3 let me know when you're there.

4 A. I am.

5 Q. There's a bullet point at the  
6 very bottom of page 6. It states:

7 "Past and ongoing lost tax  
8 revenue in the amount of  
9 approximately \$734 million."

10 Do you see that?

11 A. Yes, I do.

12 Q. Do you have any knowledge as to  
13 the past and ongoing lost tax revenue for  
14 Summit County or the City of Akron?

15 MR. PENDELL: Objection to form.

16 BY MS. HIBBERT:

17 Q. Related to the allegations in  
18 this case.

19 MR. PENDELL: Same objection.

20 THE WITNESS: No, I do not.

21 BY MS. HIBBERT:

22 Q. If I can ask you to turn to  
23 Exhibit 2, interrogatory responses for the  
24 City of Akron.

25 Back up for a minute.

1 Did you know that you were listed  
2 as a person with knowledge as to damages in  
3 this case for Summit County?

4 A. Yes, I did.

5 Q. And did you know that you were  
6 also listed as a person with knowledge as to  
7 damages for the City of Akron in this case?

8 A. Yes, I did.

9 Q. Turning to page -- pages 8 and 9  
10 of Exhibit 2, the same information that we  
11 went over previously identifying you as a  
12 person with knowledge of such damages is  
13 listed here for the City of Akron; is that  
14 right?

15 A. Yes, it is.

16 Q. Did you prepare any sort of  
17 analysis or spreadsheet like you did for  
18 Summit County for the City of Akron?

19 A. No, I did not.

20 Q. Do you have any information or  
21 knowledge about damages specific to the City  
22 of Akron?

23 A. No, I do not.

24 Q. Do you know why you were  
25 identified as a person with knowledge of

1 damages related to the City of Akron here?

2 A. No, I do not.

3 Q. You can set that aside.

4 I'm going to show you what I've  
5 marked as Exhibit Number 3.

6 (Email chain, beginning Bates  
7 SUMMIT\_344090, marked as  
8 Deposition Exhibit 3.)

9 BY MS. HIBBERT:

10 Q. Have you ever seen this document  
11 before?

12 A. Yes.

13 Q. This document is an email chain  
14 between you, Ms. Julie Barnes, and  
15 Rich Marountas -- is that how you pronounce  
16 his last name?

17 A. I believe so.

18 Q. Who is Julie Barnes?

19 A. She is the executive director of  
20 Summit County Children Services. She's also  
21 my direct report -- or I report directly to  
22 her, excuse me.

23 MS. HIBBERT: And just for the  
24 record, too, Exhibit 3 is ending in  
25 Bates label 344090.

1 BY MS. HIBBERT:

2 Q. Do you see that number at the  
3 bottom right-hand corner there?

4 A. Yes, I do.

5 Q. Do you know who Rich Marountas  
6 is?

7 A. I don't know what his specific  
8 job duties are. I believe he's with  
9 Summit County Department of Health -- or  
10 Health Department. I don't know if he's the  
11 director or the finance director.

12 Q. Do you know if he's the chief  
13 epidemiologist?

14 MR. PENDELL: Objection to form.

15 THE WITNESS: I don't.

16 BY MS. HIBBERT:

17 Q. Have you ever heard that term  
18 before?

19 A. I've heard the term before, but I  
20 don't recall.

21 Q. Do you recall this correspondence  
22 from just over a year ago, in October of  
23 2017?

24 A. Yes, I do.

25 Q. Do you know why Ms. Barnes is



1 asking you to send information regarding the  
2 cost of the opioid epidemic to  
3 Rich Marountas?

4 A. I do not know.

5 Q. Did you ever ask her why that  
6 information was being asked to be sent?

7 A. No, I did not.

8 Q. Did you ever have any  
9 conversations with Ms. Barnes or  
10 Mr. Marountas about the information or this  
11 request?

12 MR. PENDELL: Objection to form.

13 THE WITNESS: No, neither one.

14 BY MS. HIBBERT:

15 Q. And the top email here is from  
16 you to Ms. Barnes, cc'ing Rich. And it has  
17 you saying, "Please see the attached and let  
18 us know if you have any questions."

19 So you sent something to  
20 Ms. Barnes and to Rich at this point,  
21 correct?

22 A. Yes, I did.

23 Q. Did you follow up with any  
24 questions as to the information you sent to  
25 them after October 6th, 2017?

1 A. I did not.

2 Q. Did anyone follow up with you  
3 with any questions as to the information you  
4 sent on this date?

5 A. Not to my recollection, no.

6 Q. And the attachment that you  
7 reference there is also attached to Exhibit 3  
8 here. There is a spreadsheet -- it looks a  
9 little bit funny because it's been printed  
10 out -- on the last two pages of the exhibit.

11 Do you see that?

12 A. Yes, I do.

13 Q. Is this the spreadsheet that you  
14 were referencing earlier that you produced to  
15 help understand the impact of the cost to the  
16 agency in approximately May of 2017?

17 A. Yes, it is.

18 Q. Since sending this spreadsheet to  
19 Mr. Marountas in October 2017, have you made  
20 any further edits or revisions to your  
21 calculations pertaining to the impact of the  
22 cost to the agency reflected in this  
23 spreadsheet?

24 A. Yes, I have made revisions.

25 Q. When did you make those

1           revisions?

2                   A.    I can't recall the specific date,  
3                   but probably within the last two to three  
4                   months.

5                   Q.    Why did you make revisions to the  
6                   spreadsheet in the last two to three months?

7                   MR. PENDELL:  I'm going to object  
8                   to that question.

9                   And I'm going to instruct you, if  
10                  it involves a communication with  
11                  lawyers, not to answer but, otherwise,  
12                  you can answer.

13           BY MS. HIBBERT:

14                  Q.    Can you answer that question with  
15                  those instructions in mind?

16                  A.    I believe I can.

17                  We were looking -- basically, we  
18                  were asked to revise the original  
19                  spreadsheet, just based on additional  
20                  information that we had received that would  
21                  help to clarify.

22                  Q.    The additional information that  
23                  you received, was that received from  
24                  attorneys representing Summit County in this  
25                  case?

1           A.    It was produced in-house, the  
2           information that was received.

3           Q.    Who produced it in-house?

4           A.    Our quality improvement  
5           department produced that information.

6           Q.    And the quality improvement  
7           department is not based in the legal  
8           department, correct?

9           A.    It is not.

10          Q.    What information was produced by  
11          the quality improvement department that led  
12          you to revise the numbers reflected in the  
13          spreadsheet marked as Exhibit 3?

14               MR. PENDELL:  Objection.  Well --  
15               yeah, I'm going to instruct the witness  
16               not to answer this.

17               You're getting into conversations  
18               called by counsel's request, so he's not  
19               going to answer any of these questions.

20               (Instruction given.)

21               MS. HIBBERT:  We've already  
22               determined that the QI department is not  
23               within legal.

24               MR. PENDELL:  It was done at  
25               Counsel's request.  He's not going to

1           answer the question.

2                       We can argue about it if you'd  
3           like to, or you can ask another  
4           question. But I'm instructing the  
5           witness not to answer any of these  
6           questions.

7       BY MS. HIBBERT:

8                       Q.    Mr. Kearns, do -- outside of this  
9           instance that we've discussed just a moment  
10          ago, have you ever worked with the QI  
11          department in obtaining different numbers and  
12          calculations before?

13                      A.    I have not directly.

14                      Q.    Do you understand that the QI  
15          department does pull numbers and do various  
16          calculations for Summit County Children  
17          Services on a regular basis?

18                      MR. PENDELL:  Objection to form.

19                      THE WITNESS:  I do understand  
20          that, yes.

21       BY MS. HIBBERT:

22                      Q.    That's part of their job as the  
23          quality improvement department, correct?

24                      MR. PENDELL:  Objection to form.

25                      THE WITNESS:  Yes, it is.

1 BY MS. HIBBERT:

2 Q. And have they ever pulled numbers  
3 or done any calculations for you related to  
4 the costs associated with opioids and the  
5 impact to the agency outside of the instance  
6 two to three months ago that we were just  
7 discussing?

8 MR. PENDELL: Objection to form.

9 THE WITNESS: Not that I am aware  
10 of.

11 BY MS. HIBBERT:

12 Q. Are you aware of any other  
13 analysis that the QI department has done at  
14 any time other than the one two to three  
15 months ago we were just discussing, related  
16 to determining the impact of the cost of  
17 opioids to the agency?

18 A. Not that I'm aware of.

19 Q. When you revised the calculations  
20 included in Exhibit 3, did you send those to  
21 anyone other than attorneys at the agency?

22 A. I believe Julie Barnes received a  
23 copy.

24 Q. Was she the one that asked you to  
25 revise the numbers?

1 MR. PENDELL: That's a yes-or-no  
2 question.

3 THE WITNESS: Yes.

4 BY MS. HIBBERT:

5 Q. When did she ask you to revise  
6 the numbers, your calculations included in  
7 Exhibit 3?

8 A. Well, it was probably, as I said,  
9 two or three months ago.

10 Q. Did you send those revised  
11 calculations to Ms. Barnes via email?

12 A. Yes, I did.

13 Q. And, again, those revised  
14 calculations that you sent to Ms. Barnes, was  
15 that about two or three months ago that you  
16 sent them to her?

17 A. Yes, if not sooner. I have  
18 done -- I did a revision probably two or  
19 three months ago, and I think I've done  
20 another one since.

21 Q. Why did you do another one since?

22 MR. PENDELL: Objection to form.

23 And I'm going to remind you not  
24 to disclose any communications you've  
25 had with counsel. If you can answer the

1 question otherwise, feel free.

2 THE WITNESS: Again, the  
3 additional revision was based on, you  
4 know, revised information.

5 BY MS. HIBBERT:

6 Q. And the newly revised  
7 information, did that also come from your QI  
8 department?

9 A. Yes. It was based upon the  
10 information provided by the QI department.

11 Q. Do you know who instructed the QI  
12 department to obtain additional information?

13 A. That would have been Julie,  
14 Julie Barnes.

15 Q. What information was obtained by  
16 the QI department that led you to revise  
17 again the calculations included in Exhibit 3?

18 MR. PENDELL: Objection.

19 I'm going to shut this down in a  
20 moment. I've already told you that  
21 there was information that was requested  
22 at the request of counsel. You are  
23 making an end run around that. He's not  
24 going to answer these questions.

25 I'm instructing you not to answer



1           those questions. It's attorney work  
2           product. We're not going there. I  
3           can --

4                       (Instruction given.)

5           MS. HIBBERT: Counsel, there's no  
6           need to get heated here. We're at the  
7           beginning of the deposition of --

8           MR. PENDELL: You are making a  
9           run around.

10          MS. HIBBERT: -- a long day.

11          MR. PENDELL: You are making a  
12          run around. You're trying to get  
13          through the attorney-client work  
14          product --

15          MS. HIBBERT: I'm not.

16          MR. PENDELL: -- attorney-client  
17          communication and attorney work product  
18          doctrine.

19          MS. HIBBERT: I'm simply asking  
20          questions about a different, now,  
21          instance that was directed by  
22          Ms. Barnes, who is not an attorney. And  
23          that's not privileged, Counsel.

24          MR. PENDELL: If it was done at  
25          my request, that is work product and

1                   you're not entitled to it.

2                   So move on, because he's not  
3                   going to answer these questions.

4                   MS. HIBBERT: If you're  
5                   representing that Ms. Barnes did that at  
6                   your request, then --

7                   MR. PENDELL: I think that's the  
8                   representation I just made on the  
9                   record.

10                  MS. HIBBERT: Okay. Well, that  
11                  wasn't clear to me.

12                  MR. PENDELL: Move on.

13                  MS. HIBBERT: Again, there's no  
14                  reason to get angry. We don't need to  
15                  start that here today.

16                  MR. PENDELL: I'm not getting  
17                  angry. Stop showboating because the  
18                  camera is on. Ask your questions and  
19                  move on.

20                  MR. ARNOLD: This is  
21                  video-recorded. There's no --

22                  MR. PENDELL: That's right.

23                  MS. HIBBERT: I think the video  
24                  will show exactly how you're acting.  
25                  It's very inappropriate.

1                   We can move on.

2                   MR. HALLER: I'm going to make an  
3                   objection.

4                   MR. PENDELL: Stop the speeches  
5                   and move on.

6                   MR. HALLER: If the plaintiffs  
7                   here are going to rely on the original  
8                   spreadsheet with this witness, and their  
9                   experts are going to rely on this  
10                  original spreadsheet, I don't have a  
11                  problem.

12                  But if the experts in this case  
13                  are going to rely on a revised  
14                  spreadsheet and they've been shown that,  
15                  I promise you, I will move to preclude  
16                  any testimony from that expert relying  
17                  on anything you are stopping us from  
18                  inquiring into today.

19                  MR. PENDELL: Your objection is  
20                  noted.

21                  MS. FLOWERS: Which spreadsheet  
22                  are you referring to? The one in his  
23                  hand, or --

24                  MR. HALLER: The original  
25                  spreadsheet in Exhibit 3, he's revised

1           that twice.

2                   If the experts to this case are  
3           going to rely on any of those revisions,  
4           it's totally inappropriate for you to  
5           preclude questioning about those revised  
6           spreadsheets today.

7                   MR. ARNOLD:   We agree.

8                   MR. HALLER:   But --

9                   MS. FLOWERS:   So I think where  
10          that makes us land, just so that we can  
11          be clear, is that, as I understand, the  
12          first spreadsheet that he talks about is  
13          fair game.

14                  MS. HIBBERT:   Which spreadsheet  
15          is that, Exhibit 3, the original  
16          calculations?

17                  MS. FLOWERS:   Yes.

18                  MR. PENDELL:   Correct.

19          BY MS. HIBBERT:

20                  Q.    Okay.   Let's set aside Exhibit 3.  
21          We'll come back to that a little bit later.

22                  A.    Okay.

23                          (Darin C. Kearns - CPA,  
24                          Curriculum Vitae, Bates  
25                          SUMMIT\_001921248 through

1                   SUMMIT\_001921250, marked as  
2                   Deposition Exhibit 4.)

3           BY MS. HIBBERT:

4                   Q.    Mr. Kearns, I'm going to show you  
5                   what was marked as Exhibit 4.  It's a copy of  
6                   your CV that was produced in this case.

7                           I assume you've seen this  
8                   document before?

9                   A.    Yes, I have.

10                   Q.   Is this an accurate copy of your  
11                   curriculum vitae or CV?

12                   A.    It is, yes.

13                   Q.    Do you know when you prepared  
14                   this copy, this CV marked Exhibit 4?

15                   A.    A month or so ago.

16                   Q.    Did you prepare it for any  
17                   specific reason?

18                   A.    I was asked to prepare it for  
19                   this purpose.

20                   Q.    For the litigation?

21                   A.    Yes.

22                   Q.    You weren't applying for a new  
23                   job, were you?

24                   A.    I was not, no.

25                   Q.    I ask that because it has updated

1 information. Do you see that?

2 It has information regarding your  
3 current duties, correct?

4 A. Yes, it does.

5 Q. Going back to your education,  
6 where it all started.

7 A. Sure.

8 Q. What was the highest level of  
9 education that you obtained?

10 A. My Bachelor of Business  
11 Administration.

12 Q. And that was a major in  
13 accounting obtained in 1992; is that correct?

14 A. Yes.

15 Q. You're also a Certified Public  
16 Accountant; is that right?

17 A. I am, yes.

18 Q. And you obtained that  
19 certification in November of 2003?

20 A. Yes.

21 Q. Do you keep that certification  
22 active?

23 A. I do not. My certification is  
24 inactive currently.

25 Q. When did it become inactive?

1                   A.    A good long time ago.  I honestly  
2                   don't know specifically.  It has been a  
3                   number of years.

4                   Q.    For any of the positions that  
5                   you've held over time, did you have to have a  
6                   current and active certification?

7                   A.    No.

8                   Q.    Do you have any training in  
9                   forensic accounting?

10                  A.    No, I do not.

11                  Q.    Do you have any other licenses or  
12                  certifications other than the Certified  
13                  Public Accountant that you know expired some  
14                  time ago?

15                  A.    No, I do not.

16                  Q.    Do you have any other specialized  
17                  training?

18                  A.    No, I do not.

19                  Q.    You don't have any training in  
20                  medicine --

21                  A.    No.

22                  Q.    -- correct?

23                                You don't have any training in  
24                  pharmacy?

25                  A.    I do not.

1 Q. Do you have any training in law?

2 A. I do not.

3 Q. And do you have any training in  
4 epidemiology?

5 A. No, I do not.

6 Q. Do you have any friends or family  
7 members with training in these specialties?

8 A. None that I can think of.

9 Q. Outside of the couple of meetings  
10 that you had with your attorneys in  
11 preparation for this deposition, did you  
12 speak with anybody else?

13 MR. PENDELL: Objection.

14 BY MS. HIBBERT:

15 Q. In preparation for the  
16 deposition.

17 A. Oh, okay. No, I have not.

18 Q. Did you speak with Ms. Barnes  
19 about the deposition?

20 A. No, I have not.

21 Q. Were you aware that Ms. Barnes  
22 had her own deposition this past Monday, a  
23 couple days ago?

24 A. I am aware, yes.

25 Q. And did you speak with her after



1 her deposition?

2 A. Only briefly, in terms of was it  
3 fun or was it not.

4 Q. And what did she say?

5 A. She said it wasn't something that  
6 she would want to do again any time soon.

7 Q. Did you speak to Ms. Barnes about  
8 the substance of her testimony during her  
9 deposition on December 3rd?

10 A. I did not.

11 Q. Have you done any research in  
12 preparation for your deposition today?

13 A. I have not.

14 Q. Outside of documents that you may  
15 have reviewed with counsel in your meetings  
16 preparation for your deposition, did you  
17 review any other documents on your own in  
18 preparation for the deposition?

19 A. No, I did not.

20 Q. Have you reviewed any transcripts  
21 of testimony prepared in this case in  
22 preparation for your deposition?

23 A. No, I have not.

24 Q. After you graduated with your  
25 Bachelor of Administration, what was your

1 first employment?

2 A. My first employment after  
3 graduation would have been the Ohio  
4 Department of Human Services.

5 Q. Is that on your CV marked as  
6 Exhibit 4?

7 A. It is. It's Ohio Job and Family  
8 Services. It's formerly known as the Ohio  
9 Department of Human Services.

10 Q. Got it, okay.

11 A. My apologies.

12 Q. It said that you had worked at  
13 the Ohio Department of Job and Family  
14 Services from 1999 to 2010, correct?

15 A. Yes, that's correct.

16 Q. And you held various auditing  
17 positions in your roles at the Ohio  
18 Department of Job and Family Services; is  
19 that correct?

20 A. Yes.

21 If I might back up, I was  
22 employed at TGI Fridays immediately after I  
23 graduated, so -- I was a restaurant manager.

24 Q. Me too.

25 A. Oh.

1           Q.    In your role with Ohio Job and  
2           Family Services, can you explain, throughout  
3           your various auditing roles there, what your  
4           responsibilities included?

5           A.    How long is this deposition? I'm  
6           sorry.

7                    I can. I started my career with  
8           the Ohio Department of Job and Family  
9           Services as an auditor. We were responsible  
10          for auditing job and family service  
11          organizations, children's services, and child  
12          support agencies.

13                   We looked at the financial  
14          workings of the agency. We did internal  
15          control testing.

16                   We did, you know, compliance  
17          testing with rules and regulations and  
18          standards that the Ohio Department of Job and  
19          Family Services had set.

20                   I eventually moved to audit  
21          supervisor, where those job duties included,  
22          you know, supervising the auditors who were  
23          doing, you know, the field work.

24                   I had primary responsibility for  
25          preparation of reports. I was the liaison

1 with the agencies.

2 So for entrance and exit  
3 conferences, I would work between the  
4 auditors and the agency that we were  
5 auditing. I'm sorry. I think I jumped. I  
6 went auditor in charge, and then I went audit  
7 supervisor.

8 But, I mean, essentially we were  
9 tasked with auditing job and family service  
10 agencies.

11 Q. And did you have an occasion to  
12 audit Summit County services in your time at  
13 Ohio Department of Job and Family Services?

14 A. Yes, I did.

15 Q. How many times did you have an  
16 opportunity to audit SCCS?

17 Do you know what I'm referring to  
18 when I say SCCS?

19 A. Yes, I do.

20 Q. That's typically how people refer  
21 to Summit County Children Services, correct?

22 A. It is.

23 Q. Going back to my question. How  
24 many times, if you recall, did you have the  
25 opportunity to audit SCCS?

1 A. I believe we audited SCCS twice.

2 Q. Do you recall what years?

3 A. I do not.

4 Q. Do you recall the results of  
5 those audits?

6 A. Specifically, I don't, no.

7 Q. Do you recall if there were any  
8 deficiencies noted during those audits?

9 MR. PENDELL: Objection to form.

10 THE WITNESS: Again, I don't  
11 recall the specific audit results.

12 I mean, it was -- I could say  
13 with some certainty that there were  
14 probably non-compliant citations. I  
15 don't believe there were any monetary  
16 findings. But to specifically recall, I  
17 do not.

18 BY MS. HIBBERT:

19 Q. Do you recall whether you were  
20 auditing the financials of SCCS, or  
21 compliance with policies or procedures, or  
22 both?

23 MR. PENDELL: Objection to form.

24 THE WITNESS: We did both.  
25

1 BY MS. HIBBERT:

2 Q. If there were non-compliant  
3 citations for either of those two audits at  
4 SCCS, where would I obtain that information?

5 A. At this point, I believe you  
6 would have to do a records request from the  
7 Ohio Department of Job and Family Services to  
8 obtain those audit reports.

9 Q. In circumstances during your time  
10 as an auditor for Ohio Department of Job and  
11 Family Services, when there was a  
12 non-compliant citation, what was the outcome  
13 of that? What did that mean?

14 A. Well, we had an audit committee  
15 that we submitted our audit reports to.

16 And the audit committee then was  
17 tasked with working with the specific agency  
18 to develop what was called a corrective  
19 action plan.

20 So for each non-compliant  
21 citation that was noted, the auditee would  
22 need to produce a corrective action plan.

23 Q. And you don't recall whether  
24 there was a corrective action plan produced  
25 for either of the Summit County Children

1 Services audits that you conducted, correct?

2 A. I do not recall.

3 Q. Outside of the audits that you  
4 specifically conducted of SCCS, do you have  
5 any knowledge of any other audits that anyone  
6 else conducted of SCCS during your time at  
7 the Ohio Department of Job and Family  
8 Services?

9 A. I do not.

10 Q. In your time as an auditor at the  
11 Ohio Department of Job and Family Services,  
12 did you ever have occasion to audit or  
13 participate in an audit of Cuyahoga County's  
14 Children Services department?

15 A. Yes, I did.

16 Q. How many times did you do that?

17 A. I believe we audited Cuyahoga  
18 County's Children Services once.

19 Q. Do you recall what year that was?

20 A. I do not.

21 Q. Do you recall the outcome?

22 A. Again, no. I don't recall the  
23 specific outcome.

24 Q. Do you recall any specifics as to  
25 any of the findings or results from that

1           audit?

2                   A.     I do not.

3                   Q.     The City of Akron doesn't have  
4           its own children services department,  
5           correct?

6                   A.     Not to my knowledge, no.

7                   Q.     Were there any other children's  
8           services departments in the State of Ohio  
9           that you had the opportunity to audit during  
10          your time at the Ohio Department of Job and  
11          Family Services?

12                  A.     Yes, several.

13                  Q.     Do you recall whether there were  
14          negative outcomes for any of the audits of  
15          children's services departments in Ohio at  
16          that time?

17                  A.     I do not specifically recall.

18                  Q.     In your time at Ohio Job and  
19          Family Services, were you ever asked -- or  
20          did you assess the financial impact of a  
21          particular drug?

22                  A.     No, we did not.

23                  Q.     Outside of your work that you did  
24          in producing the spreadsheet that we've now  
25          identified as Exhibit Number 3, have you ever



1           done an assessment like that before where  
2           you've assessed the financial impact of a  
3           particular drug?

4           A.     I have not.

5           Q.     In your role as auditor for the  
6           Ohio Department of Job and Family Services  
7           from 1999 to 2010, did you have the  
8           opportunity to audit any specific programs  
9           related to opioids for either Summit or  
10          Cuyahoga County?

11          A.     I did not.

12          Q.     Why did you leave the Ohio  
13          Department of Job and Family Services in  
14          2010?

15          A.     I was released from employment.

16          Q.     You were terminated?

17          A.     I was.

18          Q.     Do you know the reason for that  
19          termination?

20          A.     I do.

21          Q.     What was it?

22          A.     I was accused of fraternization.

23          Q.     Was there an investigation  
24          conducted into that accusation?

25          A.     Yes, there was.

1                   Q.    What was the result of that  
2                   investigation?

3                   A.    To my knowledge, they found me  
4                   guilty.

5                   Q.    Was there some sort of  
6                   administrative proceeding that followed that  
7                   investigation where they found you guilty?

8                   A.    No.

9                   Q.    Who conducted the investigation?

10                  A.    Office of the Chief Inspector for  
11                  Ohio Department of Job and Family Services  
12                  conducted the investigation.

13                  Q.    And did this occur in 2010?

14                  A.    Yes, it did.

15                  Q.    How long did the investigation go  
16                  on?

17                  A.    I am uncertain. I don't know.

18                  Q.    Do you know when you were first  
19                  made aware of the accusation?

20                  A.    I believe it was in late 2009.

21                  Q.    And the allegation was improper  
22                  fraternization with a colleague; is that  
23                  correct?

24                  A.    That is correct.

25                  Q.    Do you know what date you were

1 terminated?

2 A. Not specifically. I believe it  
3 was September of -- I believe it was in  
4 September of 2010.

5 Q. Did you have an opportunity to  
6 provide any written or oral testimony or  
7 explanation regarding those accusations  
8 during the investigation?

9 A. I was interviewed by the  
10 investigator.

11 Q. Do you know if that was recorded?

12 A. I believe it was, yes.

13 Q. Was it recorded via video or  
14 audio?

15 A. I believe audio.

16 Q. Did you obtain a copy of that  
17 audio recording?

18 A. I know at one point I had  
19 received a transcript.

20 Q. Do you know if you still have a  
21 copy of that transcript?

22 A. I do not still have a copy of  
23 that transcript.

24 Q. Do you know what happened to  
25 that?

1 A. I threw it away a long time ago.

2 Q. When you received that  
3 transcript, was that during your employment  
4 with Summit County?

5 A. No, it was not.

6 Q. Do you know whether that  
7 transcript is maintained by the Ohio  
8 Department of Job and Family Services?

9 A. I do not know.

10 Q. Do you know whether the audio  
11 recording itself is maintained by the Ohio  
12 Department of Job and Family Services?

13 A. I do not know.

14 Q. Do you know whether the record of  
15 the investigation into your accusations has  
16 been expunged in any way?

17 Do you know what that means?

18 A. I do, and I do not know if it has  
19 been or not.

20 Q. When you were terminated from  
21 your position with the Ohio Department of Job  
22 and Family Services, did you lose any  
23 benefits or severance that might otherwise  
24 have been available, despite the allegations?

25 MR. PENDELL: Objection to form.

1 THE WITNESS: I lost my  
2 accumulated vacation balance. That was  
3 the only thing that I lost.

4 BY MS. HIBBERT:

5 Q. Did you have to report that --  
6 those accusations or the findings of that  
7 investigation to anyone or any body?

8 A. No, I did not.

9 Q. Do you know if at that time you  
10 were still certified as a public account?

11 A. Yes, I was.

12 Q. And you didn't have to report the  
13 accusations or the findings of the  
14 investigation to any certifying body?

15 A. Not to my knowledge, no.

16 Q. Did you lose the certification  
17 for your accounting as a result of these  
18 accusations?

19 A. No, I did not.

20 Q. You let those lapse?

21 A. I did.

22 Q. After your termination from the  
23 Ohio Department of Job and Family Services,  
24 you moved to the Wayne County Department of  
25 Job and Family Services; is that right?

1 A. That is correct.

2 Q. Did you interview for that  
3 position?

4 A. Yes, I did.

5 Q. And did you have to disclose the  
6 reason for your termination from your  
7 previous employment during that interview  
8 process?

9 A. I did not.

10 Q. Were they aware of your  
11 termination or the accusations against you  
12 when they hired you, to your knowledge?

13 A. Not to my knowledge.

14 Q. Were there any restrictions on  
15 your employment with Ohio state or any of the  
16 counties in Ohio as a result of your  
17 termination from the Ohio Department of Job  
18 and Family Services?

19 MR. PENDELL: Objection to form.

20 THE WITNESS: No, not to my  
21 knowledge.

22 BY MS. HIBBERT:

23 Q. And you were hired with  
24 Wayne County Department of Job and Family  
25 Services as a business

1 administrator/controller; is that correct?

2 A. That is correct.

3 Q. And you worked there from 2010 to  
4 2015?

5 A. Yes.

6 Q. What were your responsibilities  
7 as a business administrator/controller?

8 A. I had responsibility for the  
9 fiscal department. So obviously the internal  
10 control system, you know, the processes and  
11 procedures for the payment of bills, the  
12 recording of revenues.

13 I was also responsible for  
14 building facilities and maintenance. And I  
15 was also responsible for information  
16 technology and maintenance of the information  
17 technology system.

18 I was the liaison with the State  
19 of Ohio, which was, you know, for maintenance  
20 of their equipment on our site.

21 Q. Did you have any involvement with  
22 Wayne County's Children Services Department  
23 in this role?

24 A. I did not.

25 MR. PENDELL: Counsel, I don't

1 want to interrupt. We've been going for  
2 about an hour, so when we get to a good  
3 point where we can take a break, I would  
4 appreciate it.

5 MS. HIBBERT: I'm actually on the  
6 verge of a coughing fit, so I'd be okay  
7 with taking a break at this point.

8 THE VIDEOGRAPHER: Off the  
9 record, 10:15.

10 (Recess taken from 10:15 a.m. to  
11 10:35 a.m.)

12 THE VIDEOGRAPHER: On the record,  
13 10:35.

14 BY MS. HIBBERT:

15 Q. Mr. Kearns, we left off a moment  
16 ago. We were talking about your employment  
17 with Wayne County Department of Job and  
18 Family Services.

19 Do you recall that?

20 A. I do.

21 Q. Did any of your responsibilities  
22 involve opioids in any way in your role at  
23 Wayne County Department of Job and Family  
24 Services?

25 A. No, they did not.



1                   Q.    You left Job and Family Services  
2                   for Wayne County in 2015, correct?

3                   A.    Yes, I did.

4                   Q.    And why did you leave employment  
5                   with Wayne County at that time?

6                   A.    For a better opportunity.

7                   Q.    So you left on your own accord?

8                   A.    I did.

9                   Q.    And what was the better job  
10                  opportunity?

11                  A.    I went to Portage County Job and  
12                  Family services.

13                  Q.    So this was just a -- not even  
14                  just another county over, because they are  
15                  quite far apart, correct?

16                  A.    They are quite far apart, yes.

17                  Q.    And what made you want to go to  
18                  Portage County Department of Job and Family  
19                  Services?

20                  A.    Well, the additional compensation  
21                  was a big part of it. And just the fact that  
22                  Wayne County Job and Family Services is  
23                  what's considered a standalone agency,  
24                  whereas Portage County Job and Family  
25                  Services is what's considered a quadruple

1 combined.

2 So it would give me exposure to  
3 child support, children's services, and  
4 what's called workforce investment, in  
5 addition to Job and Family Services.

6 Q. And Portage County is in Ohio,  
7 correct?

8 A. Yes, it is.

9 Q. Did you have to disclose on any  
10 of your job applications or interviews with  
11 Portage County, your termination from the  
12 Ohio Department of Job and Family Services?

13 A. I did not.

14 Q. The Portage County of Job and  
15 Family Services is a much larger department  
16 than the Wayne County, correct?

17 A. Yes, it is.

18 Q. It has a \$29 million social  
19 service agency budget, as opposed to  
20 \$10 million for Wayne County, correct?

21 A. That is correct.

22 Q. What were your responsibilities  
23 with Portage County Job and Family Services?

24 A. They were -- I mean, they were  
25 primarily the same as with Wayne County Job

1 and Family Services.

2 I had responsibility for the  
3 fiscal department, again, the internal  
4 control system, the policies and procedures  
5 related to that, the, you know, establishment  
6 of budgets, purchase orders, all those  
7 different sorts of things.

8 While I did not have  
9 responsibility for information technology,  
10 the office service supervisor did report to  
11 me, I believe. That's -- I believe she did.

12 So it was primarily the same as  
13 Wayne County Job and Family Services.

14 Q. But with Portage County Job and  
15 Family Services, if I heard you correctly,  
16 you did have responsibility for the finances  
17 related to the Children Services department  
18 in that county; is that correct?

19 A. Yes, I did.

20 Q. And what responsibilities did you  
21 have specifically with regard to the  
22 Children Services Department in Portage  
23 County?

24 A. Again, the responsibilities that  
25 I held were more so related to the policies

1 and procedures for how to, you know, process  
2 invoices, establish purchase orders, you  
3 know, the maintenance of the budget, drawing  
4 of funds, you know, different things along  
5 that line.

6 Q. Did any aspect of your  
7 involvement with Portage County involve  
8 opioids in any way?

9 A. That was probably the first time  
10 that opioids really became an issue for me  
11 that I understood.

12 You know, through upper level  
13 management meetings with, you know, the  
14 managers, particularly the Children Services  
15 director, you know.

16 And she spoke of, you know, the  
17 issue concerning opioids and, you know,  
18 removal of children because of.

19 Q. And what did the director of the  
20 Children Services discuss specifically about  
21 the impact of opioids on children services?

22 A. Well, she specifically discussed  
23 the fact that we had to remove children, and  
24 that there were -- you know, sometimes there  
25 were placement costs involved.

1 Sometimes there were, you know,  
2 we were able to put the children into what's  
3 called a kinship placement, which still  
4 involves some cost, but certainly not as much  
5 as a purchase placement setting.

6 And so her concern was the fact  
7 that we were having to place more children as  
8 a result of opiate removals -- or  
9 opiate-related removals.

10 Q. Were you involved in any sort of  
11 analysis of the financial impact of opioids  
12 on Portage County Children Services?

13 A. We did not do any specific  
14 analysis of costs related to opioid removals  
15 in Portage County.

16 Q. Were you involved in the  
17 financial analysis of the effect of opioids  
18 on any agency or department within Portage  
19 County?

20 A. No.

21 Q. I think we've gone over all of  
22 your previous employment prior to joining  
23 Summit County, correct?

24 A. That is correct.

25 Q. In any of the roles that you held

1 prior to coming to Summit County, were you  
2 responsible for or did you assess the  
3 financial impact of any particular variable  
4 on any agency or department for any of the  
5 counties or states that you worked for?

6 A. That was a lot. Could you repeat  
7 the question?

8 Q. Sure.

9 Earlier I asked you if whether,  
10 in your roles, you had assessed the financial  
11 impact of any particular drug on the county  
12 or -- the department or agencies that you  
13 were overseeing.

14 Do you recall that question?

15 A. I do.

16 Q. So I'm asking a broader question  
17 now.

18 Have you ever performed an  
19 analysis of the financial impact of any  
20 particular variable on any of the agencies or  
21 departments that you've had responsibility  
22 for --

23 MR. PENDELL: Objection to form.

24 BY MS. HIBBERT:

25 Q. -- prior to coming to

1 Summit County?

2 A. Okay.

3 I would say yes. I mean, but  
4 obviously not related. I did an analysis in  
5 Wayne County related to purchasing of a new  
6 phone system.

7 And I had to look at each  
8 component of the phone system, from purchase  
9 to maintenance, upgrades, and updates to the  
10 system, you know, integration into our  
11 computer system, because we were looking at a  
12 voice over IP system.

13 So I had to do a relatively  
14 significant analysis of the cost of each  
15 proposed system to Wayne County.

16 Q. Any other analysis of financial  
17 impact other than the phone system in  
18 Wayne County prior to coming to  
19 Summit County?

20 A. Not that I can specifically  
21 remember, no.

22 Q. And certainly nothing with regard  
23 to financial impact of any elicited or legal  
24 drugs, correct?

25 A. That is correct.

1           Q.    Had you done any analysis of the  
2           financial impact of increased cost for  
3           placement for children services in any of the  
4           roles that you held prior to coming to  
5           Summit County?

6           A.    No, I had not.

7           Q.    You left Portage County  
8           Department of Job and Family Services after a  
9           relatively short time, about six months. Is  
10          that right?

11          A.    Six months, that is correct.

12          Q.    And why did you leave employment  
13          with Portage County?

14          A.    Well, Summit County is a little  
15          bit closer to home, and there was a financial  
16          benefit as well. So those were the primary  
17          reasons.

18          Q.    Was there an opening for the  
19          position that you took over in Summit County?

20          A.    There was going to be a vacancy,  
21          yes.

22          Q.    And how did you become aware of  
23          that vacancy?

24          A.    Summit County reached out to me  
25          to inquire as to whether or not I would be



1 interested in having a chat about the  
2 position.

3 Q. Who at Summit County reached out  
4 to you?

5 A. Ms. Valerie Nash, who is our  
6 deputy director of human services -- or, I'm  
7 sorry, human resources. Excuse me.

8 Q. Do you know how Ms. Nash came to  
9 know of you?

10 A. I do. I had the opportunity to  
11 audit Stark County Job and Family Services  
12 where not only Ms. Nash was employed, but  
13 also Julie Barnes was the director at the  
14 time.

15 So I guess through circles,  
16 Valerie identified me as a candidate and  
17 invited me to come and talk with her about  
18 the position.

19 Q. When you audited the Stark County  
20 Job and Family Services, was that in your  
21 role at the Ohio Department of Job and Family  
22 Services?

23 A. Yes, it was.

24 Q. And do you know what time period  
25 it was that you did that audit with

1 Stark County?

2 A. I don't recall.

3 Q. When Valerie Nash first  
4 approached you, what was that discussion  
5 like?

6 A. Valerie -- I don't think it was  
7 Valerie. I think it was Leslie -- I can't  
8 think what her last name is right now.  
9 Her -- Valerie's administrative assistant  
10 called me and she asked me if I would like to  
11 come and chat about a job opportunity. She  
12 really didn't give me a lot of details above  
13 and beyond that.

14 Q. Did you have to fill out an  
15 application for that job?

16 A. I did.

17 Q. And did you end up going to have  
18 that chat about that job?

19 A. I did.

20 Q. Was that with Ms. Nash?

21 A. It was with -- it was with  
22 Valerie and Julie.

23 Q. Julie Barnes?

24 A. Julie Barnes and Gary Binns, who  
25 was my predecessor.

1 Q. Do you know what Gary Binns'  
2 title was?

3 A. He held my title, deputy  
4 director, fiscal services.

5 Q. And at that time was Ms. Barnes  
6 the executive director of Summit County  
7 Children Services?

8 A. Yes, she was the executive  
9 director.

10 Q. And was that chat an interview?

11 A. Yes, it was.

12 Q. Was that the only interview you  
13 had for the job at Summit County?

14 A. Yes, it was.

15 Q. And, again, with Summit County,  
16 did you have to disclose your termination  
17 from Ohio Department of Job and Family  
18 Services in applying for the job with  
19 Summit County?

20 A. Yes, I did.

21 Q. Was that part of the application?

22 A. Yes, it was.

23 Q. Were there any issues related to  
24 that disclosure being --

25 A. No, there were not.

1                   Q.   Summit County didn't, to your  
2                   knowledge, do any additional investigation  
3                   into those allegations, correct?

4                   A.   Not to my knowledge.

5                   Q.   How long after you first  
6                   interviewed with Ms. Nash, Ms. Barnes, and  
7                   Mr. Binns, did you officially come on?

8                   A.   I think it was probably a month  
9                   between the interview and when I actually  
10                  started employment with Summit County  
11                  Children Services.

12                  Q.   Did you overlap with  
13                  Mr. Gary Binns, or had he retired before you  
14                  came on?

15                  A.   I overlapped with Gary.

16                  Q.   He did eventually retire,  
17                  correct?

18                  A.   Yes, he did.

19                  Q.   How long did you overlap?

20                  A.   I think we overlapped for about  
21                  eight weeks.

22                  Q.   Did Mr. Binns provide any  
23                  training during that time period?

24                  A.   Yes, he did.

25                  Q.   What training did you undergo for

1       your role as deputy executive director of  
2       fiscal services for Summit County?

3               A.     Well, Gary was tasked with --  
4       excuse me -- walking me through, you know,  
5       the primary duties of the deputy director of  
6       fiscal services.

7               He showed me his processes for,  
8       you know, preparing the financial reports to  
9       present to the board of directors. He walked  
10      me through his day-to-day duties in terms of,  
11      you know, documents that need to be signed  
12      for approval, for payment, childcare  
13      invoices, and things along that line.

14              He also walked me through the  
15      policies and procedures that were necessary  
16      to maintain a strong internal control system,  
17      you know, within, you know, the fiscal  
18      department.

19              He also introduced me to my  
20      direct report for facility services. Her  
21      name is Linda McMahon.

22              And I walked through -- you know,  
23      he walked me through his interactions with  
24      her and his responsibilities, in terms of,  
25      you know, approving projects for facilities

1 maintenance and capital improvements,  
2 different things along that line.

3 I mean, so -- I don't know how  
4 much detail you want me to go into. We could  
5 talk about it for quite some time.

6 Q. Sure.

7 Going back to the interview that  
8 you had with Summit County, were you asked  
9 any questions specifically related to  
10 opioids?

11 A. I'm sorry. Could you -- I didn't  
12 catch the entire question.

13 Q. Sure.

14 When you interviewed for the job  
15 at Summit County, were you asked any  
16 questions related to opioids?

17 A. I was not, not to my  
18 recollection.

19 Q. Was there any discussion about  
20 the impact of opioids on Summit County  
21 Children Services during your interview  
22 process?

23 A. Not to my recollection.

24 Q. To your knowledge, had Gary Binns  
25 prepared any financial analysis of the impact

1 of opioids on Summit County Children Services  
2 before you got there?

3 A. Not to my knowledge.

4 Q. To your knowledge, had anyone  
5 prepared any analysis of the financial impact  
6 of opioids on Summit County Children Services  
7 before you came on board in June of 2016?

8 A. Not to my knowledge.

9 Q. Can you give a general overview  
10 of what your responsibilities are -- let's  
11 start --

12 Let me ask this. Have your  
13 responsibilities changed in any way as deputy  
14 executive director of fiscal services for  
15 Summit County since you began in June of  
16 2016?

17 A. Not specifically, no.

18 Q. Can you give me an overview of  
19 what those responsibilities include?

20 A. Yes. Again, I'm primarily  
21 responsible for the function of the fiscal  
22 department, the internal control system for  
23 maintenance of financial records.

24 I'm responsible for all of the  
25 policies and procedures of the fiscal

1 department, you know, that dictate how we  
2 handle certain types of invoices, costs.

3 We are the -- we're responsible  
4 for donated funds, as that is a separately  
5 maintained account and so we write -- you  
6 know, we pay bills out of that account. So,  
7 again, I have responsible for internal  
8 control over our donated funds.

9 Any audits of our department, I  
10 am the lead individual for audits, audit  
11 responses, you know, corrective action plans,  
12 anything along that line, if we are asked to  
13 do one.

14 As I mentioned, facilities,  
15 facility services are under my umbrella, and  
16 also facilities maintenance.

17 Q. Has Summit County Children  
18 Services -- and, again, I'm going to go back  
19 to referring to them as SCCS, so it's not  
20 such a mouthful.

21 Have they been audited since you  
22 joined Summit County in June 2016?

23 A. Yes, we have.

24 Q. Who have they been audited by?

25 A. We have been audited by the



1 Auditor of State, of Ohio. We are included  
2 as part of the single audit of the County of  
3 Summit. As a quasi, you know, government  
4 entity, we're included under that audit.

5 We've also gone through a federal  
6 audit for our Title IV-E case files and cost  
7 reimbursement. I think that's -- social  
8 security, also audited our social security  
9 records in regards to children that receive  
10 SSI benefits.

11 Q. So the ones that you just went  
12 through, are they four separate audits?

13 A. Yes. Those would all be separate  
14 audits.

15 Q. So there's an Ohio state, Summit  
16 county, a federal audit, and a separate  
17 social security audit; is that correct?

18 A. Yes. Those would all be separate  
19 audits.

20 Q. Do you recall when the Ohio state  
21 audit occurred?

22 A. Yeah. We just included our  
23 Auditor of State around June of this year, I  
24 believe. And we were also audited in 2017,  
25 and it concluded around the same time,

1           probably around June of 2017.

2                   Q.    Is that an annual audit  
3                   regularly?

4                   A.    Yes, it is an annual audit.

5                   Q.    What were the results of the 2017  
6                   Ohio state audit?

7                   A.    Our --

8                           MR. PENDELL:  Objection to form.

9                           THE WITNESS:  I'm sorry?

10                          MR. PENDELL:  I was just  
11                   objecting.  You can answer.

12                           THE WITNESS:  Our 2017 audit, we  
13                   had no -- we had no findings.

14                   BY MS. HIBBERT:

15                          Q.    What does that mean, to have no  
16                   findings?  They came in, they left, no one  
17                   said anything about it?

18                          A.    That would be correct, yes.  They  
19                   were happy with our -- yeah.  They were happy  
20                   with it.

21                          Q.    When they're happy with what  
22                   they've audited, do you get some sort of  
23                   report indicating that?

24                          A.    Generally not.  We just -- we're  
25                   not noted as, you know, having a, you know,

1 non-compliant citation or a finding for  
2 recovery or a, you know, something along that  
3 lines. So we were not mentioned in the 2017  
4 report.

5 Q. They don't give you any accolades  
6 if you successfully pass the audit, they just  
7 tell you if you've done something wrong?

8 A. That would be correct.

9 Q. How about the 2018 audit that  
10 just wrapped up in June of this year? What  
11 was the result of that audit?

12 MR. PENDELL: Objection to form.

13 THE WITNESS: The 2018 audit, we  
14 had one non-compliant citation that was  
15 noted.

16 BY MS. HIBBERT:

17 Q. What did that involve?

18 A. It involved the recording of  
19 what's called full-time equivalency data into  
20 our state financial system.

21 Q. What is full-time equivalency  
22 data? What does that mean?

23 A. Full-time equivalency data is a  
24 measure of the number of employees that we  
25 have on staff. So not necessarily a

1 headcount, but how many employees work, on  
2 average, 40 hours per week.

3 So we could have two part-time  
4 employees working 20 hours each, and that  
5 would be equivalent to one FTE.

6 We have to report that data to  
7 the State of Ohio. While it does not impact  
8 our financial performance directly, the State  
9 of Ohio uses that data to allocate costs to  
10 federal programs.

11 Q. What does that mean, that they  
12 use the data to allocate costs to federal  
13 programs? Can you explain that a bit more?

14 A. Essentially what that means is  
15 that, you know, obviously at the state level,  
16 there are several federal funding sources,  
17 from Title IV-E, Title IV-B, TANF, food  
18 stamps, Medicaid, you know, I could name  
19 several more.

20 The State of Ohio needs to have a  
21 defined methodology for assigning costs to  
22 those federal programs. They use the FTE  
23 data from children services for the state, as  
24 a whole, to assign costs to the federal  
25 programs.

1           Q.    And does that analysis impact in  
2           any way how much is eventually allocated to  
3           you from those federal funds?  And by "you,"  
4           I mean Summit County?

5           A.    Not to my knowledge, no.

6           Q.    Was there a corrective action  
7           plan put into place as a result of the  
8           non-compliant citation?

9           A.    Yes, there was.

10          Q.    Were you involved in the  
11          development of that corrective action plan?

12          A.    Yes.  I created the plan and  
13          submitted it to the audit team.

14          Q.    When was that submitted?

15          A.    I think in July, sometime around  
16          that July/August time frame.

17          Q.    And what did the corrective  
18          action plan entail?

19          A.    The corrective action plan  
20          essentially detailed how we were going to  
21          address the deficiency.

22                And, you know, it was  
23          essentially, you know, the establishment of,  
24          you know, a calendar to indicate when FTE  
25          data should be entered, and then an email

1 reminder to myself to do it.

2 Q. And how often is that data  
3 supposed to be entered?

4 A. Monthly.

5 Q. How long is the corrective action  
6 plan in place?

7 A. I don't know.

8 Q. Is there a plan to do some sort  
9 of re-audit to ensure satisfaction of the  
10 details of the corrective action plan?

11 A. I am not sure how the Auditor of  
12 State follows up on these types of matters.

13 Q. Did you have any conversations  
14 with the Auditor of State about the terms of  
15 the corrective action plan?

16 A. Only through -- they did --  
17 because we had a non-compliant citation, it  
18 was mentioned in the audit report.

19 And I believe they had a  
20 statement in the audit report that said they  
21 had accepted our corrective action plan.

22 Q. Do you know when you received  
23 that audit report?

24 A. Probably -- again, that time  
25 frame, probably around August, September

1           somewhere around there, they issued their  
2           final report.

3           Q.     Do you know whether that's a  
4           publicly-available document?

5           A.     It is.

6           Q.     So that's something I could find  
7           on the internet?

8           A.     Yes, Auditor of State.

9           Q.     Were there any other  
10          non-compliant findings or deficiencies noted  
11          during the 2018 Ohio state audit?

12          A.     For Summit County Children  
13          Services, there were not.

14          Q.     Were there other non-compliant  
15          findings or deficiencies noted for other  
16          Summit County programs during that audit?

17                   MR. PENDELL:  Objection to form.

18                   THE WITNESS:  I do not know.

19          BY MS. HIBBERT:

20          Q.     Are you aware of any other  
21          non-compliant findings or deficiencies for  
22          any other state audit prior to the time you  
23          joined Summit County Children Services in  
24          June of 2016?

25          A.     I am not aware.

1                   Q.    There's also a Summit County  
2                   audit you spoke about, correct?

3                   A.    There is, yes.

4                   Q.    Was there just one Summit County  
5                   audit in the time that you've been with SCCS,  
6                   or multiple?

7                   A.    Well, we are a part of  
8                   Summit County's audit as a whole.

9                   Q.    What does that mean?

10                  A.    There's what's called a single  
11                  audit that's mandated by the federal  
12                  government.

13                               The State of Ohio has to do  
14                   single audits of county entities. And as  
15                   part of the county as a whole, you know, we  
16                   participate as part of that audit.

17                               So Summit County is being  
18                   audited. Since we're part of Summit County,  
19                   we participate. We are also audited as part  
20                   of that audit.

21                  Q.    And when Summit County is being  
22                   audited -- is that the state audit that  
23                   you're referring to, or another audit?

24                  A.    Yes. The Auditor of State -- the  
25                   Auditor of State is conducting that audit.



1           Q.    So the Summit County audit that  
2           we referred to earlier, that's still under  
3           the Ohio state audit that we've already  
4           talked about, or is that something separate?

5           A.    Yes, it is. That is underneath  
6           the Auditor of State.

7           Q.    There's no separate  
8           Summit County-specific audit that you have  
9           participated in in your role with SCCS other  
10          than what we've already talked about with  
11          Ohio state?

12          A.    If I understand the question  
13          correctly, no, there is no other -- only with  
14          the Auditor of State.

15          Q.    Moving on to the federal audit  
16          for the Title IV-E that we discussed, has  
17          that been a single audit since your joining  
18          SCCS, or has that been multiple audits?

19                  MR. PENDELL: Objection to form.

20                  THE WITNESS: That is a single  
21          audit that we have participated in.

22          BY MS. HIBBERT:

23          Q.    When was that conducted?

24          A.    I want to say -- I believe it  
25          began in the late summer of 2016 and

1 concluded -- excuse me -- early '17, early  
2 2017.

3 Q. What were the findings or results  
4 of your audit for the federal IV-E?

5 A. We received a clean audit.

6 Q. And do you receive a report in  
7 the circumstance of a clean audit such as  
8 that one?

9 A. No, we don't -- I mean, other  
10 than to be told. That federal IV-E audit is  
11 actually a state-wide audit.

12 So the federal government comes  
13 in and selects individual counties and then a  
14 random number of cases. And we have to  
15 produce the documents for the federal  
16 government to review.

17 And we only know that we, as  
18 Summit County Children Services, we received  
19 a clean audit report.

20 Q. Do you know how many files SCCS  
21 had to produce to the federal government for  
22 that audit?

23 A. I don't recall.

24 Q. And clean audit, meaning there  
25 were no non-compliant findings or deficiency

1 findings, correct?

2 A. That is correct.

3 Q. The social security audit that  
4 you referenced, was that a single audit or  
5 were there multiple audits?

6 A. That was a single audit.

7 Q. When was that conducted?

8 A. In late 2017.

9 Q. Was that in conjunction with the  
10 federal audit or was it separate?

11 A. It was not. It was separate.

12 Q. And what were the results of the  
13 social security audit?

14 A. We also received a clean finding.

15 Q. So no deficiencies, no  
16 non-compliant findings?

17 A. No deficiencies, no non-compliant  
18 findings.

19 Q. Have we talked about all the  
20 audits that you're aware of of SCCS?

21 A. That I'm aware of, yes.

22 Q. Going back to your CV. Do you  
23 have that in front of you?

24 A. I do.

25 Q. You've detailed in a lengthy

1 paragraph here what -- a description of your  
2 role as deputy executive director for fiscal  
3 services for Summit County Children Services.

4 Do you see that?

5 A. Are you referencing the entire  
6 first paragraph?

7 Q. Yes.

8 A. Yes, I see it.

9 Q. And it says here that you partner  
10 with the agency's executive team and board of  
11 trustees.

12 Do you see that?

13 A. Yes.

14 Q. Are you part of the executive  
15 team for Summit County Children Services?

16 A. Yes. I am part of the executive  
17 team.

18 Q. And who else is on that executive  
19 team?

20 A. It would be Julie Barnes, our  
21 executive director, Katerina Papas, who is  
22 our deputy director for legal services.  
23 Amy Davidson, who is our deputy director of  
24 social services, Valerie Nash, our deputy  
25 director of human resources, and myself.

1           Q.    Does the executive team report to  
2           the board of trustees?

3           A.    Yes.   We report to the board of  
4           trustees.

5           Q.    Do you know how many people were  
6           on the board of trustees?

7           A.    No, I don't know the actual  
8           number.

9           Q.    What role does the board of  
10          trustees have in dictating the policies and  
11          procedures of SCCS?

12               MR. PENDELL:  Objection to form.

13               THE WITNESS:  Ultimately we  
14          report to the board of trustees.

15               When we make significant changes  
16          to policies and procedures, particularly  
17          policies -- not so much procedures --  
18          the board generally approves the  
19          changes.  I'm talking maybe --  
20          significant changes.

21               So if we have a proposed change  
22          to a human resource policy that may  
23          accept several employees or groups of  
24          employees, the board would be asked to  
25          approve that change.

1                   Whereas if I change who signs off  
2                   on a bill in my department, they're not  
3                   going to -- they're not asked to approve  
4                   that.

5                   So, I mean, they have oversight  
6                   over the executive team. Obviously  
7                   Julie Barnes reports to the board of  
8                   trustees directly.

9                   BY MS. HIBBERT:

10                  Q.     Have there been -- has the board  
11                  of trustees approved any significant changes  
12                  to policy since you joined Summit County  
13                  Children Services in June of 2016?

14                  MR. PENDELL:   Objection, form.

15                  THE WITNESS:   Yes, they have.

16                  BY MS. HIBBERT:

17                  Q.     What policies have they approved  
18                  since then?

19                  A.     I don't know that I could  
20                  specifically identify. I know we have  
21                  presented them with policy changes. I think  
22                  a number of them out of human resources, but  
23                  I cannot specifically say what they were  
24                  related to.

25                  Q.     Do you know if there have been

1 any policy changes that have been presented  
2 to the board of trustees since you've been  
3 with SCCS that have not been approved?

4 A. None that I'm aware of, no.

5 Q. Do any of the policy changes that  
6 have been presented to the board of trustees  
7 during your time with the SCCS involve  
8 opioids in any way?

9 A. Not that I am specifically aware  
10 of, no.

11 And I might add on to that, we  
12 did -- in 2016, we had to ask the board for a  
13 budget adjustment. Which -- we haven't  
14 talked about the budget process, but it's  
15 rather lengthy and cumbersome.

16 But as a result of, you know,  
17 increased placement costs, we had to ask the  
18 board for an increase to our paid placement  
19 budget, and the board had to approve that.  
20 So that was a rather significant change that  
21 was likely driven by increased costs related  
22 to this topic.

23 Q. How often, let me ask you this,  
24 do you meet with the board of trustees?

25 A. We meet monthly.

1 Q. "We," being the executive team?

2 A. Yes. I'm sorry. The executive  
3 team meets monthly with the board of  
4 trustees.

5 Q. And is that a public meeting?

6 A. Yes, it is.

7 Q. Are there minutes generated from  
8 those meetings?

9 A. Yes, there are minutes.

10 Q. Are you always involved in those  
11 monthly meetings?

12 A. Yes, I am.

13 Q. What are your responsibilities to  
14 the extent that they carry over from month to  
15 month in those meetings with the board of  
16 trustees?

17 A. My responsibility focuses mainly  
18 on financial reporting to the board of  
19 trustees.

20 Q. What measures or financial  
21 metrics are you reporting to the board of  
22 trustees on a monthly basis?

23 A. I report our monthly -- I report  
24 on our monthly financial statements.

25 Q. Are those monthly financial



1 statements that you, yourself, put together?

2 A. Yes, myself and my director of  
3 finance.

4 Q. Who is?

5 A. Bob King.

6 Q. That's Robert King?

7 A. Robert King, yes.

8 Q. You or Mr. King put together  
9 monthly reports since you began with SCCS in  
10 June of 2016?

11 A. Yes, we have.

12 Q. And are those kept in any  
13 particular location electronically?

14 A. Yes. They are in an electronic  
15 file system that is accessible both to myself  
16 and Bob.

17 Q. Do you know if those monthly  
18 reports were collected and produced in this  
19 litigation?

20 A. I do not know if they were.

21 Q. Were you involved in any way in  
22 the collection of your documents or documents  
23 related to SCCS for this litigation?

24 A. Yes, I was.

25 Q. What was your involvement?

1                   A.     Counsel asked me to gather  
2 documents, and I did so.

3                   Q.     What documents did you gather for  
4 this litigation?

5                   A.     Me, specifically?

6                   Q.     Yes.

7                   A.     Primarily budgets.

8                   Q.     Are those hard copy documents or  
9 electronic?

10                  A.     They were electronic -- yeah,  
11 they were electronic.

12                  Q.     And what years did you gather  
13 budgets for?

14                  A.     I believe it was 2008 through  
15 2017.

16                  Q.     And did you indeed gather and  
17 turn over budgets for all of the years from  
18 2008 to 2017?

19                  A.     Yes, I did.

20                  Q.     And what specific document are  
21 you referring to when you say "the budget"?  
22 Is there a document that's called something  
23 in particular?

24                  A.     No.

25                  Q.     Is it a PDF document?

1 A. No, it's an Excel file.

2 Q. It's a spreadsheet?

3 A. Yes.

4 Q. Do those spreadsheets have  
5 different sheets on them? Do you know what I  
6 mean when I say that?

7 Let me ask you a different  
8 question.

9 A. Sure.

10 Q. What information is included in  
11 those budget spreadsheets that you collected?

12 A. I'm trying to think of the file  
13 configuration. I know that there is a -- I  
14 believe that there's a cover sheet, and then  
15 it's fed by, you know, tabulated sheets  
16 behind it.

17 Q. And what information is included  
18 on those tabulated sheets?

19 A. That's where we break down our  
20 budget into line item detail.

21 Q. Are those tabulations included in  
22 the spreadsheet, are those ultimately  
23 included in a budget report?

24 A. Yes, they are.

25 Q. We'll get to the budget process

1 in a little bit. I know that that's a  
2 complicated process, and we'll go over it in  
3 just a minute.

4 What other documents did you  
5 collect and turn over in this litigation?

6 A. Other than what I've mentioned, I  
7 don't know.

8 Q. So just the budget spreadsheets  
9 for the years 2008 to 2017?

10 MR. PENDELL: Objection to form.

11 THE WITNESS: That is correct.

12 BY MS. HIBBERT:

13 Q. Did you collect and turn over any  
14 of the monthly reports that we've referred  
15 to?

16 A. I don't know if we did.

17 Q. You also put together quarterly  
18 financial reports in your role with  
19 Summit County Children Services, correct?

20 A. No, not specifically. We don't  
21 create a quarterly financial report.

22 Q. If you can turn to your CV marked  
23 as Exhibit 4 for a moment.

24 A. Sure.

25 Q. The paragraph description under

1       your role as deputy executive director of  
2       fiscal services.

3             A.    Uh-huh.

4             Q.    The last sentence there states:

5                    "Plans and develops the  
6                    operating budget for the agency,  
7                    which includes monthly and  
8                    quarterly financial reports."

9             A.    Yes.

10            Q.    Is that incorrect then that there  
11            are quarterly financial reports that you  
12            generate?

13            A.    It's a bit of a misnomer. In  
14            regards to a financial report, what we do is  
15            we create a quarterly operating forecast,  
16            which essentially forecasts out our  
17            carried-forward cash balance.

18                    So it's -- really, it's not a  
19            financial statement.

20            Q.    The sentence there goes on --  
21            Exhibit 4 -- you also plan and development  
22            short and long-term budget forecasts.

23                    Is that what you're referring to  
24            there?

25            A.    Those would be included in --

1           yes. Those would be used to forecast our  
2           carry-forward cash, yes.

3           Q.     So the quarterly forecast that  
4           you refer to, that's like a short-term budget  
5           forecast?

6           A.     No.

7           Q.     Are they separate documents?

8           A.     They're separate, but they  
9           interact with each other. I mean, a  
10          short-term, you know, budget forecast would  
11          be used to project to the end of our fiscal  
12          year. Whereas, you know, a long-term budget  
13          would be used to forecast our cash, our  
14          carried-forward cash, if that makes any sense  
15          at all to you.

16          Q.     The short and long-term  
17          forecasts, are those spreadsheets as well?

18          A.     Yes.

19          Q.     And are those maintained in a  
20          separate electronic file that you have access  
21          to?

22          A.     Yes, they are.

23          Q.     Do you know if those were  
24          collected and turned over in this litigation?

25          A.     I do not know.

1                   Q.    Your CV also references what you  
2                   call "levy projections."

3                   Can you describe what those are?

4                   A.    Sure.

5                   Our levy projection is also  
6                   related to our operating forecast because we  
7                   need to look at -- as an entity that is  
8                   primarily funded through levy collections, we  
9                   need to know and understand what we are going  
10                  to anticipate in future periods for those  
11                  levy collections.

12                  So we do projections, you know,  
13                  looking at levy collections, talking to the  
14                  County of Summit, asking them what we can  
15                  anticipate, and using those numbers to  
16                  project out where we see our cash balance at  
17                  the end of any particular fiscal period.

18                 Q.    Are the levy projections  
19                 themselves kept in a separate spreadsheet as  
20                 well?

21                 A.    No.  They're included with the  
22                 operating forecast.

23                 Q.    Other than the monthly and  
24                 potentially quarterly financial reports,  
25                 short and long-term budget forecasts, and

1       levy projections, are there any other sort of  
2       documents or spreadsheets that you keep on a  
3       regular basis that indicate the financial --  
4       finances of SCCS?

5               A.     Could you repeat that one more  
6       time just to make sure I understood your  
7       question.

8               Q.     Sure.

9               Other than the monthly and  
10      quarterly financial reports that we've  
11      discussed, the short and long-term budget  
12      forecasts, and the levy projections, are  
13      there any other documents or spreadsheets  
14      that you keep on a regular basis that would  
15      show the finances of SCCS over time?

16              A.     The only other document that I  
17      would maintain would be our payroll  
18      projection.

19              Q.     Is that a spreadsheet?

20              A.     It is a spreadsheet, yes.

21              Q.     And how often do you update the  
22      payroll projection spreadsheet?

23              A.     With each payroll, I update that  
24      spreadsheet.

25              Q.     Is that a monthly payroll?



1 A. Biweekly payroll.

2 Q. Do you know if the payroll  
3 projection spreadsheets were collected and  
4 turned over in this litigation?

5 A. I do not know.

6 Q. Did you search for any other  
7 documents other than these budget  
8 spreadsheets that we've already discussed in  
9 connection with collecting documents for this  
10 litigation?

11 MR. PENDELL: Objection to form.

12 THE WITNESS: No, not to my  
13 knowledge.

14 BY MS. HIBBERT:

15 Q. Do you ever do any SCCS-related  
16 work on any home or personal device?

17 A. I do not.

18 Q. Do you know if any documents were  
19 collected from your computer at SCCS?

20 A. I do not know.

21 Q. You do have your own computer at  
22 the SCCS office --

23 A. Yes, I do.

24 Q. -- that you work from, correct?

25 A. Correct.

1 Q. Do you have an SCCS or  
2 Summit County-owned cellular device as well?

3 A. I do not.

4 Q. So the cellphone that you have,  
5 is that your own personal device?

6 A. It is.

7 Q. And you don't conduct any SCCS  
8 business through your personal device, do  
9 you?

10 A. I do not.

11 Q. Do you have a laptop or anything  
12 like that that you work from at home?

13 A. I have an iPad that is owned by  
14 SCCS.

15 Q. Do you know if any documents or  
16 data were collected from your SCCS-owned iPad  
17 in connection with this litigation?

18 A. I do not know.

19 Q. Have you searched for any  
20 documents in connection with this litigation  
21 on your SCCS-owned iPad?

22 A. I have not, no.

23 Q. In your role with SCCS, I know  
24 how you talked about how you -- you have some  
25 responsibilities for setting policies and

1           procedures, I think, related to the financial  
2           aspects of SCCS; is that correct?

3           A.     That is correct, yes.

4           Q.     You don't have any involvement in  
5           the policy setting or program management  
6           related to any particular programs that SCCS  
7           has, correct?

8                     Bad question. Let me rephrase.

9           A.     Thank you.

10          Q.     Other than the financial metrics  
11          or policies and procedures related to  
12          financial metrics, you're not involved in any  
13          sort of policies or policy setting related to  
14          the particular programs that SCCS puts into  
15          place; is that correct?

16                   MR. PENDELL: Objection to form.

17                   THE WITNESS: I am not involved  
18                   in that process, no.

19          BY MS. HIBBERT:

20          Q.     Are you involved in setting any  
21          policies for SCCS that don't particularly  
22          relate to the finances of the agency?

23                   MR. PENDELL: Objection to form.

24                   THE WITNESS: Only those that  
25                   would be directly related to facilities

1 management.

2 BY MS. HIBBERT:

3 Q. What does that mean, "facilities  
4 management"?

5 A. Essentially, the care and keeping  
6 of the building, you know, keeping up with  
7 the HVAC system, you know.

8 But even things as specific as,  
9 you know, the security of the building, you  
10 know, ID badges. You know, office services  
11 are also included in that and so the movement  
12 of correspondence from the mailroom and  
13 things along that line would be considered  
14 facilities management.

15 Q. Is it fair to say then that you  
16 have not been involved with any policy  
17 setting for any program specifically related  
18 to opioids that SCCS has run?

19 A. That is correct. I have not been  
20 directly involved in any of those policies.

21 Q. And you're not involved in  
22 determining which programs SCCS puts into  
23 place, correct?

24 A. That would be correct, to the  
25 extent -- I mean, I would be advised in terms

1 of the financial impact.

2 I would be asked, you know, to  
3 review, you know, how it was going to impact  
4 us financially if we had the budget  
5 available, you know, to take on a new  
6 program, or something along that line.

7 Q. Have you been involved in  
8 assessing in any way the need for certain  
9 programs under SCCS?

10 A. I have not.

11 Q. Have you been involved in any way  
12 with the implementation of certain programs  
13 under SCCS?

14 A. No, I have not.

15 Q. Is it fair to say that any  
16 responsibilities that you have in your  
17 employment with Summit County that are  
18 related to opioids are limited to financial  
19 management?

20 A. Yes. My job duties are  
21 specifically limited to financial management  
22 in that regard.

23 Q. I think you said this before, but  
24 you report to Julie Barnes; is that correct?

25 A. Yes, I do.

1 Q. Do you report to anybody else?

2 A. No, I do not.

3 Q. Who reports to you?

4 A. Mr. Bob King, Robert King,  
5 Ms. Linda McMahon, and my administrative  
6 assistant, Ms. Michelle Tersigni is also a  
7 direct report.

8 Q. Have we gone over today all of  
9 the oversight responsibilities that you have  
10 in your role with SCCS?

11 A. The primary ones, yes.

12 Q. And your responsibilities haven't  
13 changed over time since June of 2016,  
14 correct?

15 A. Not significantly, no.

16 Q. Do you oversee performance  
17 reviews for Mr. King, Ms. McMahon, and your  
18 administrative assistant?

19 A. Yes, I do. I complete their  
20 performance evaluations.

21 Q. And I'm sorry, the name of your  
22 administrative assistant is?

23 A. Michelle Tersigni.

24 Q. How often do you conduct  
25 performance reviews?

1                   A.     They are conducted on an annual  
2     basis.

3                   Q.     Have any of the folks that report  
4     to you, Mr. King, Ms. McMahon --

5                   A.     McMahon, yeah.

6                   Q.     -- or Ms. Tersigni received a  
7     negative performance review?

8                   A.     No, they have not.

9                   Q.     You've never held any other  
10    positions for Summit County, correct?

11                  A.     I have not.

12                  Q.     In your position with  
13    Summit County, have you ever been  
14    disciplined?

15                  A.     No, I haven't.

16                  Q.     Have you received a performance  
17    evaluation?

18                  A.     Yes, I have.

19                  Q.     Who conducts your performance  
20    evaluation?

21                  A.     Julie Barnes conducts my  
22    performance evaluation.

23                  Q.     How many times have you been  
24    evaluated since June of 2016?

25                  A.     I have been evaluated twice.

1 Q. And what were the results of  
2 those evaluations?

3 A. They were generally positive.

4 Q. You say generally. Were there  
5 any negative aspects or constructive  
6 criticism?

7 A. There's always room for  
8 improvement. So, yes, I would say there was  
9 some constructive criticism.

10 Q. What room for improvement was  
11 noted in either of the two evaluations that  
12 you've had with Summit County?

13 A. Julie feels that I'm too nice at  
14 times and maybe not direct enough with my  
15 direct reports.

16 Q. Has Ms. Barnes noted any  
17 deficiencies in your direct reports'  
18 responsibilities?

19 A. No, she has not.

20 Q. Or has she noted any deficiencies  
21 in their performance?

22 A. Not specifically, no.

23 Q. Are you aware of any complaints  
24 that your direct reports have made to  
25 Ms. Barnes or anyone else regarding your



1 supervision of them?

2 A. No, I am not aware.

3 Q. Do you know why Ms. Barnes  
4 thought that you were being too nice, or not  
5 direct enough with your direct reports?

6 A. No. I don't know why she feels  
7 that way, but ...

8 Q. Were there any examples that were  
9 given?

10 A. Not that I recall.

11 I mean, I think that goes to just  
12 our interpersonal relationship with  
13 perhaps -- Linda McMahon is very  
14 strong-willed. And, you know, I've been  
15 tasked with trying to calm her down, per se.  
16 And I'm of the mind that you catch more flies  
17 with honey than you do with vinegar. And I  
18 take a little softer approach.

19 And I think Julie would prefer  
20 that I be a little more direct.

21 Q. Were there any other negative  
22 aspects or constructive criticism in your  
23 evaluations that we haven't discussed  
24 already?

25 A. Not that I recall, no.

1 Q. Were those evaluations written,  
2 to your knowledge?

3 A. Yes, they are.

4 Q. Do you receive a copy of those  
5 evaluations?

6 A. Yes, I do.

7 Q. And do you save them, yourself?

8 A. I believe I still have a copy,  
9 yes.

10 Q. Do you save them on your computer  
11 at Summit County Children Services?

12 A. No. I don't scan them.

13 Q. So you receive them in hard copy?

14 A. Yes, that's correct.

15 Q. And where do you save them?

16 A. I probably have my performance  
17 evaluations at home.

18 Q. Do you keep or maintain a  
19 separate folder or file at home for any  
20 documents related to your employment with  
21 Summit County?

22 A. Other than my performance  
23 evaluation, no, I would not.

24 MR. PENDELL: Darin, we've been  
25 going for about an hour. Do you need to

1 take a break?

2 THE WITNESS: Maybe five minutes  
3 just to run to the bathroom, please.

4 MS. HIBBERT: Yes. I will agree.  
5 If we can keep the break to five  
6 minutes, that would be great.

7 MR. PENDELL: Sure. Appreciate  
8 it.

9 THE WITNESS: That would be  
10 great.

11 THE VIDEOGRAPHER: Off the  
12 record, 11:32.

13 (Recess taken.)

14 THE VIDEOGRAPHER: On the record,  
15 11:41.

16 BY MS. HIBBERT:

17 Q. Mr. Kearns, earlier we talked  
18 about several different audits that SCCS has  
19 undergone since you joined SCCS in June 2016.  
20 Do you remember that?

21 A. Yes, I do.

22 Q. Do you recall on April 2017 a  
23 Child and Family Services review? Does that  
24 sound familiar at all?

25 A. It does, although I don't believe

1 my department was involved.

2 Q. Do you have any knowledge as to  
3 that review?

4 A. No, I do not.

5 Q. That wasn't one of the audits  
6 that we already discussed, correct?

7 A. It is not, no.

8 Q. Have you been involved in the  
9 development of a program improvement plan as  
10 a result of the Child and Family Services  
11 review?

12 A. I have not been involved in that  
13 process.

14 Q. Do you have any knowledge of the  
15 program improvement plan?

16 A. I do not. I have not been  
17 privileged to see it.

18 Q. I'm going to show you what I am  
19 marking as Exhibit Number 5 to this  
20 deposition.

21 (Summit County Children Services  
22 Program Structure, Bates  
23 SUMMIT\_000003847 through  
24 SUMMIT\_000003857, marked as  
25 Deposition Exhibit 5.)

1 MR. PENDELL: Thank you.

2 MS. HIBBERT: You're welcome.

3 BY MS. HIBBERT:

4 Q. Have you ever seen this document  
5 before?

6 A. Yes, I believe I have.

7 Q. This is an organizational chart  
8 for Summit County, correct?

9 A. For Summit County Children  
10 Services, correct.

11 Q. On page 1 of Exhibit 5 -- and for  
12 the record, this is a document produced in  
13 this litigation, Bates number ending 3847 on  
14 the first page.

15 On page 1, Mr. Kearns, this  
16 represents the, kind of, highest level  
17 organization of Summit County Children  
18 Services, correct?

19 A. Yes, that is correct.

20 Q. And we've talked about this  
21 organization to some extent, the executive  
22 office reports to the board of trustees.

23 That's reflected at the top of  
24 this chart, correct?

25 A. Yes, that is correct.

1                   Q.    And you're part of that executive  
2                   office, correct?

3                   A.    I report to the executive office,  
4                   yes.

5                   Q.    Who is in the executive office  
6                   that you report to?

7                   A.    That would be Julie Barnes.

8                   Q.    Is she the only person in the  
9                   executive office?

10                  A.    Yes.

11                  Q.    Okay.

12                       And your department falls over on  
13                   the left here under fiscal services, correct?

14                  A.    Yes, that is correct.

15                  Q.    You don't have any involvement  
16                   with the other three departments listed here,  
17                   social services, administrative and legal  
18                   services, and human resources and support  
19                   services, other than the analysis of the  
20                   financial management of those departments,  
21                   correct?

22                  A.    That is correct.

23                  Q.    And under fiscal services, there  
24                   are four divisions or departments listed  
25                   there.

1 Do you see that?

2 A. Yes, I do.

3 Q. Those are accounting and finance,  
4 office services, facilities/fiscal services,  
5 and security, correct?

6 A. Yes, that is correct.

7 Q. And we've gone over this in going  
8 over your responsibilities as deputy  
9 director.

10 You have responsibility for all  
11 four of these divisions or departments,  
12 correct?

13 A. Yes, that is correct.

14 Q. Turning to page 3 of what's  
15 marked as Exhibit 5. This particular  
16 organizational chart details the management  
17 stack for SCCS.

18 Do you see that?

19 A. Yes, I do.

20 Q. And under fiscal services, we've  
21 talked about the three folks identified right  
22 under you, Darin Kearns. That's  
23 Michelle Tersigni, Robert King, and  
24 Linda McMahon, correct?

25 A. Yes, that's correct.

1                   Q.     Bob King, or Robert King, how do  
2     his responsibilities differ from yours?

3                   He is the department director of  
4     fiscal services, correct?

5                   A.     That is correct. He is the  
6     department director.

7                   Q.     How do his responsibilities  
8     differ from yours?

9                   A.     Bob's duties differ -- they focus  
10    more on the day-to-day functioning of the  
11    fiscal department.

12                   You know, he looks more at, you  
13    know, are purchase orders sufficient? Are  
14    invoices being processed properly? You know,  
15    he works much more closely with the County of  
16    Summit fiscal department.

17                   You know, just in terms of our  
18    interaction with the Banner financial system,  
19    Bob is our liaison with the County of Summit.

20                   So he's much more involved with  
21    the day-to-day -- I don't want to say  
22    routine, because nothing is ever routine, but  
23    just for of the day-to-day functions of the  
24    fiscal office.

25                   Q.     Does he put together the monthly



1 financial reports that we've discussed  
2 before, or is that something you do yourself?

3 A. The monthly statements do come to  
4 me through Bob King.

5 So, yes, ultimately he puts the  
6 financial statements together, and then I  
7 make financial statement notes and review the  
8 financial statements and ask for any  
9 necessary changes that I might see.

10 Q. To your knowledge, has Bob King  
11 been involved in any of the assessment of the  
12 financial impact of opioids on SCCS?

13 A. Not to my knowledge.

14 Q. He didn't help you put together  
15 the spreadsheet that we've referenced before  
16 that was included in Exhibit 3?

17 A. He did not.

18 Q. You've not asked him to perform  
19 any analysis with regard to the financial  
20 impact of opioids on SCCS, correct?

21 A. That is correct. I have not  
22 asked him.

23 Q. Have you ever asked him to  
24 perform any analysis of the financial impact  
25 of any particular variable on SCCS?

1 A. No, I don't believe that I have.

2 Q. To your knowledge, do you know if  
3 Mr. King was asked to collect and produce any  
4 documents related to this litigation?

5 A. Only in conjunction with the  
6 budget documents that he and I gathered.

7 Q. And you spoke to him about  
8 gathering the budget documents that we  
9 discussed before?

10 A. Yes, I did.

11 Q. Did he actually gather those  
12 documents for you?

13 A. He and I participated in that  
14 process.

15 Q. What did that process entail  
16 exactly?

17 A. It was really just a review of  
18 our electronic, you know, file systems to  
19 find the budget documents that had been  
20 requested, and to produce those.

21 Q. And the budget documents that you  
22 are referring to, those are just the budget  
23 spreadsheets for the years 2008 to 2017 that  
24 we referred to before, correct?

25 MR. PENDELL: Objection to form.

1 THE WITNESS: That is correct.

2 BY MS. HIBBERT:

3 Q. Was it an individual spreadsheet  
4 for each of those years, or multiple  
5 documents?

6 A. I don't recall.

7 Q. Did you instruct or ask Mr. King  
8 to look for any other documents in connection  
9 with this litigation?

10 A. No.

11 Q. Did you talk with Mr. King in  
12 preparation for your deposition here today?

13 A. No.

14 Q. Does Mr. King know that you're  
15 here for a deposition?

16 A. Yes, he does.

17 Q. How does he know that, if you  
18 haven't talked to him about the deposition?

19 A. Well --

20 MR. PENDELL: Objection to form.

21 THE WITNESS: Perhaps I'm  
22 misunderstanding. I obviously alerted  
23 Bob that I was going to be out of the  
24 office because he's in charge now in my  
25 absence.

1 But, otherwise, we haven't had  
2 any in depth, lengthy conversations  
3 about the deposition process or --

4 BY MS. HIBBERT:

5 Q. Have you had any conversations  
6 with Mr. King about the litigation at all?

7 A. No.

8 Q. Have you talked with anybody else  
9 in SCCS about the litigation?

10 A. No.

11 MR. PENDELL: Objection to form.

12 THE WITNESS: Sorry. I'm getting  
13 ahead of you.

14 MR. PENDELL: That's all right.

15 I was slow.

16 BY MS. HIBBERT:

17 Q. Turning to the next page of  
18 Exhibit 5., this is the org chart for the  
19 fiscal services division.

20 So this is a further breakdown of  
21 the division you're responsible for, correct?

22 A. Yes.

23 Q. So all of these additional folks  
24 that are listed on this org chart below  
25 Bob King and Linda McMahon, we haven't

1 discussed those before, right?

2 A. No, we have not.

3 Q. Those are all direct reports to  
4 Bob King or Linda McMahon?

5 A. McMahon. It doesn't look like  
6 it, but -- I know it's not important.

7 MR. PENDELL: It is not the WWE  
8 executive, right?

9 THE WITNESS: It is not the WWE  
10 executive.

11 BY MS. HIBBERT:

12 Q. The spelling, for the record, is  
13 M-c-M-a-h-o-n, pronounced McMahon.

14 A. Pronounced McMahon, yes.

15 I'm sorry. What was your  
16 question?

17 Q. Sure.

18 The folks that are listed on this  
19 org chart under Mr. King and Ms. McMahon,  
20 they aren't direct reports to you, right?

21 A. They are not my direct reports,  
22 no.

23 Q. They directly report to either  
24 Mr. King or Ms. McMahon?

25 A. That is correct.

1           Q.    To your knowledge, are any of the  
2 individuals listed on this organizational  
3 chart -- have any of these individuals been  
4 involved in assessing the financial impact of  
5 opioids on SCCS?

6           A.    To my knowledge, none of them  
7 have been involved.

8           Q.    You've not had any conversations  
9 with any of these individuals listed on  
10 Exhibit 5, the fiscal services division,  
11 about the financial impact of opioids on  
12 SCCS, have you?

13          A.    I have had no conversations with  
14 them related to the impact.

15          Q.    Did any of the folks that are  
16 listed here on the fiscal services division  
17 org chart marked as Exhibit 5, help you in  
18 any way in gathering the data or calculating  
19 the data that's included in that spreadsheet  
20 marked as Exhibit 3?

21          A.    No, they did not.

22          Q.    Has Bob King been the director of  
23 fiscal services for as long as you've been  
24 with Summit County?

25          A.    Yes, he has.

1 Q. Do you know how long he's been  
2 with Summit County?

3 A. Nine years.

4 Q. Do you know who held that role  
5 before him?

6 A. No, I do not.

7 Q. How long had Gary Binns been the  
8 executive director before his retirement and  
9 your replacement of him?

10 A. 16 years, Gary had been the  
11 deputy director of finance.

12 Q. The structure of the fiscal  
13 services division that we've just looked at,  
14 has that been the same since you joined SCCS  
15 in June 2016?

16 A. No, it has not.

17 Q. How has that changed over time?

18 A. When I assumed the position,  
19 Bob King and who is listed as Jennifer Snyder  
20 were both direct reports to Gary Binns.

21 I changed the structure by  
22 promoting Bob King to the director of  
23 finance, and placing Jennifer Snyder, I  
24 believe she's fiscal officer, underneath him  
25 as direct report.

1 Q. And why did you make that change?

2 A. I felt -- I felt it was necessary  
3 to help clarify roles within our department.  
4 I felt that Bob had earned the promotion to  
5 director of finance. And it was really to  
6 try and enact a cultural change within the  
7 fiscal department.

8 Q. Had you observed an issue with  
9 the culture when you came on in June 2016  
10 that made you want to make that change?

11 A. Yes, I had.

12 Q. What was the issue with the  
13 culture that you identified?

14 A. The issue was that the fiscal  
15 department was really segregated into two,  
16 what I might call, silos.

17 We look at the organizational  
18 chart, Bob King was a director of -- and had  
19 one group underneath him. And at the time,  
20 it was -- Susan Beaver was his equal and had  
21 a group underneath her.

22 And the two sides really  
23 didn't -- it's almost like they didn't  
24 interact. There was a line of division  
25 between the two, and I felt that that was



1 inefficient for, you know, good function in  
2 the fiscal department, so I made the change.

3 Q. You said Susan Beaver was the  
4 name?

5 A. Yeah. Susan Beaver was -- she  
6 was a fiscal officer, and she left employment  
7 shortly after I arrived.

8 Q. And she was in the same role as  
9 Bob King when you first came on?

10 A. She was not. I don't know if we  
11 want to look at the --

12 Q. Sure.

13 The org chart we were just  
14 looking to that is referred to as Exhibit 5,  
15 would it be helpful to look at that?

16 A. Yes. And in particular, the  
17 fiscal department -- I forget what page it  
18 was on.

19 Q. Sure.

20 I think it was page 4 of  
21 Exhibit 5, the fiscal services division org  
22 chart.

23 A. Okay. I'm trying to find  
24 Jennifer Snyder.

25 There she is. She's underneath

1 Bob King, and she is a direct report on the  
2 lower right-hand second box there. She's the  
3 fiscal officer.

4 Q. Okay. So that's the role that  
5 Susan Beaver held previously?

6 A. Correct.

7 Q. When did Jennifer Snyder come on?

8 A. She came on in -- I want to say  
9 September of 2016.

10 Q. Was Ms. Beaver terminated or did  
11 she leave on her own accord?

12 A. She left on her own accord.

13 Q. Do you know what the reason was  
14 for her leaving?

15 A. I do not know.

16 Q. What is Ms. Snyder's role as  
17 fiscal officer IV-E and support services?

18 A. Her role -- underneath her, she  
19 has individuals who compete IV-E eligibility.

20 So as, you know, children are  
21 brought into the agency or removed from  
22 homes, we have to process what's called IV-E  
23 eligibility to determine whether or not we  
24 can make a federal claim for the cost of  
25 their care and keeping. So she has those

1 individuals underneath her.

2 She also has adoption subsidy  
3 employees that work with our adoption  
4 department to establish subsidies for  
5 children that are adopted.

6 She also has our IV-E specialist  
7 who works with the SACWIS system, who  
8 processes claims for those children that are  
9 found to be eligible and reimbursable.

10 And then we also have an employee  
11 that does what's called our adoption payroll  
12 and processes our SSI benefits for children  
13 that receive those.

14 Q. And when the structure was  
15 different, when Ms. Beaver held that role,  
16 did she have different responsibilities than  
17 Ms. Snyder does now?

18 A. No. The responsibilities were  
19 the same, primarily.

20 Q. Was it simply a reporting  
21 structure that was different before you  
22 changed it?

23 A. Yes. It was a reporting  
24 structure. And just the overall mentality  
25 that, you know, we're not going to have two,

1           you know, separate silos of employees.

2                       We're all one. We're all the  
3           fiscal department, and we're going to work  
4           together as such.

5                       Q.     When you came on and identified  
6           this cultural issue, did you perceive that  
7           issue as affecting anything related to the  
8           financial management of SCCS?

9                       A.     Perhaps only in the sense that it  
10          just wasn't a healthy work environment for  
11          the fiscal employees.

12                      Q.     Can you elaborate on that any  
13          more?

14                      A.     Well, only as I said, there  
15          seemed to be two specific groups of  
16          employees. I would have to say that there  
17          was probably some general dislike and  
18          discord, and they just didn't work well  
19          together.

20                      And so I just took that  
21          opportunity to change the structure and  
22          improve the culture.

23                      Q.     The cultural issue that you've  
24          identified and you've spoken about, did you  
25          believe that that impacted the actual

1 financial management of the budget for SCCS  
2 prior to you joining in June 2016?

3 A. No. I don't believe it impacted  
4 the financial budget process.

5 Q. Does the fiscal services division  
6 report to or interface with other similar  
7 departments at the state level?

8 A. Say that again.

9 Q. Does the -- your fiscal services  
10 division, does it interface or interact with  
11 similar divisions at the state level?

12 A. No, it does not.

13 Q. How about at the federal level?

14 A. No, we do not.

15 Q. And how about other county fiscal  
16 services divisions, do you interface or  
17 interact with those other divisions?

18 MR. PENDELL: Objection to form.

19 THE WITNESS: I do individually.

20 I mean, I'm a member of the Ohio  
21 Department of -- or Ohio Job and Family  
22 Services Directors' Association Fiscal  
23 Committee.

24 So, you know, I participate in,  
25 you know, monthly, sometimes bi-monthly

1 meetings.

2 BY MS. HIBBERT:

3 Q. In your role as the Ohio Job and  
4 Family Services -- are you just a member of  
5 the Ohio Job and Family Services Directors'  
6 Association Fiscal Committee?

7 A. I'm just a member, yes.

8 Q. Is that run by any sort of board?

9 A. No, it is not.

10 Q. Are you a member that has any,  
11 you know, voting or say in any policies or  
12 procedures of that organization?

13 A. No.

14 Q. What does that organization do,  
15 generally?

16 MR. PENDELL: Objection to form.  
17 You can answer.

18 THE WITNESS: Essentially the  
19 fiscal committee is obviously a -- it's  
20 a subpart of the Ohio Job and Family  
21 Services Directors' Association. We get  
22 together and we talk about, you know,  
23 fiscal issues around the state.

24 And then the Ohio Job and Family  
25 Services Directors' Association, to my

1 understanding, lobbies on our behalf.

2 Q. Lobbies with what?

3 A. Well, lobbies with either the  
4 Department of Job and Family Services  
5 directly or with the legislature for, you  
6 know, additional funding, changes in policy,  
7 things along that line.

8 Q. Is there anyone else from SCCS  
9 that is on the fiscal committee for Ohio Job  
10 and Family Services Directors' Association?

11 A. No, there is not.

12 Q. During the monthly or bi-monthly  
13 meetings for that association, has the  
14 financial impact of opioids on any specific  
15 children services division in Ohio state been  
16 discussed?

17 A. Yes.

18 Q. In what aspect?

19 A. Because it is a state-wide  
20 committee, I have opportunity to talk to, you  
21 know, fiscal, you know, directors, CFOs from  
22 other counties.

23 And they have made comments along  
24 the same lines, that increased cost and  
25 placement of children as a result of opioid

1 removals, you know, general conversation  
2 about the opioid crisis and how it has  
3 impacted their counties in particular.

4 Q. Have you presented any  
5 information during any of these meetings with  
6 this association as to the financial impact  
7 of opioids on Summit County Children  
8 Services?

9 A. No, I have not.

10 Q. Have you had any discussions  
11 during these monthly or bi-monthly meetings  
12 with this association about the specific  
13 financial impact of opioids on SCCS?

14 A. No, I have not.

15 Q. Has anyone else at these meetings  
16 presented on the financial impact of opioids  
17 on SCCS?

18 A. Not to my knowledge.

19 Q. Has anyone else at these meetings  
20 for this association presented on the  
21 financial impact of opioids on any other  
22 children services departments in Ohio?

23 A. Not to my knowledge, no.

24 Q. Have there been any presentations  
25 given at these meetings on the financial



1 impact of opioids on any other department or  
2 division for any other agency in Ohio?

3 A. Not to my knowledge.

4 Q. So earlier when we talked about  
5 the discussions that were had about financial  
6 impact of opioids during these meetings, in  
7 what context were those discussions had?

8 A. Really, they were just general  
9 conversations, I mean, because there's  
10 obviously a -- you know, we all know one  
11 another, so we talk before and we talk after.

12 And, you know, it was really just  
13 general conversation about, you know, the  
14 fact that we're feeling the impact  
15 financially of, you know, having to care for  
16 more kids.

17 Q. Have you shared any of your  
18 analysis that you conducted on the financial  
19 impact of opioids on SCCS with anybody from  
20 the Ohio Job and Family Services Directors'  
21 Association?

22 A. I have not.

23 Q. Have you shared that analysis  
24 with anybody outside of SCCS, aside from  
25 attorneys?

1 A. No, I have not.

2 Q. Are there any other associations  
3 or organizations that you are a part of where  
4 financial impact of opioids has been  
5 discussed over the last two and a half years?

6 A. There are no other associations,  
7 no.

8 Q. Have you attended any conferences  
9 in which fiscal services divisions or  
10 representatives from different fiscal  
11 services divisions have shared information on  
12 the potential financial impact of opioids on  
13 their agencies?

14 A. No, I have not.

15 Q. Aside from the conversations  
16 we've already talked about here today, have  
17 you had any discussions or conversations with  
18 anybody else about the potential financial  
19 impact of opioids on SCCS, specifically?

20 MR. PENDELL: Objection to form.

21 THE WITNESS: Not that I recall.

22 BY MS. HIBBERT:

23 Q. Do you know if there are meeting  
24 minutes that are produced as a result of  
25 the -- or in conjunction with the monthly or

1 bi-monthly meetings for the directors'  
2 association?

3 A. Yes. There are meetings -- I'm  
4 sorry. There are minutes produced.

5 Q. Are those publicly available, do  
6 you know?

7 A. I don't know.

8 Q. Is it a publicly-open meeting?

9 A. I don't believe so.

10 Q. Do you keep copies of those  
11 minutes?

12 A. I do not.

13 Q. But you receive them?

14 MR. PENDELL: Objection to form.

15 THE WITNESS: Now that you  
16 mention it, no, I don't believe that I  
17 do.

18 BY MS. HIBBERT:

19 Q. Why do you believe that there are  
20 minutes kept from those meetings?

21 A. Now I'm second guessing myself.  
22 I don't know that there are minutes kept in  
23 those meetings, yeah.

24 Q. Fair enough.

25 I'm going to switch over a little

1 bit and start talking about budgeting,  
2 budgeting process for SCCS, which you are  
3 very much a part of, correct?

4 A. Yes. I am very much a part of  
5 the budgeting process.

6 Q. Can you list for me what sources  
7 of funds are used to pay for SCCS, generally,  
8 very high level?

9 A. Very high level?

10 Q. Yes.

11 A. I assume that you're asking that  
12 we use federal funds. Obviously, our local  
13 funds, in terms of our levy. I have a very  
14 small portion of state funding. And that's  
15 the extent of it.

16 Q. You also receive donations,  
17 correct?

18 A. Correct.

19 Q. And grants as well?

20 A. Yes. That would be included in  
21 our federal and state funding streams.

22 Q. I see.

23 And are there any other sources  
24 of funds that are used to pay for SCCS  
25 services other than what we've discussed?

1 A. No.

2 Q. You mentioned the levy as a  
3 source of the local funds.

4 Can you explain what that is?

5 A. Our levy?

6 Q. Yes.

7 A. Sure.

8 It's a -- essentially a tax that  
9 is levied on the property values of  
10 homeowners and businesses within  
11 Summit County. And based on millage that is  
12 enacted, it generates 60 percent of our total  
13 revenue, roughly 60 percent.

14 Q. Roughly 60 percent, but  
15 variations over year to year?

16 A. Sure.

17 Q. There is a levy cycle, correct?

18 A. Yes, there is.

19 Q. At which point the levy is  
20 reassessed?

21 A. That is correct.

22 Q. And how often does that happen?  
23 What is the levy cycle?

24 A. Our levy cycle is every six  
25 years.

1 Q. Has it always been that way?

2 A. To my knowledge, yes.

3 Q. And what happens during that levy  
4 cycle? What's the process for reassessment  
5 of the levy?

6 A. Are you referring to at the end  
7 of the six-year period?

8 Q. Sure.

9 Is there -- yes. Let me  
10 rephrase.

11 So there's a six-year period for  
12 which the levy that is set exists, correct?

13 A. Correct.

14 Q. And at the end of that six-year  
15 period, is it then reassessed?

16 A. Yes, it is.

17 Q. And what's the process for that  
18 reassessment?

19 A. Well, the process for us is that  
20 we look at, as I had mentioned earlier, the  
21 operating forecast. We look at our cash  
22 carry-forward balance, and we try and project  
23 out what our future financial needs will be,  
24 as well as our future levy collections, if we  
25 were to renew the levy, based on what the

1 county would provide us, what we could  
2 anticipate as our projected revenues.

3 And, you know, we basically make  
4 an assessment as to whether or not we can  
5 renew the levy, or do we need to ask for  
6 additional funds based on our operating  
7 forecast and how long our cash, carry  
8 forward, will last.

9 Q. When was the last time that the  
10 levy, I guess -- when was the last year in  
11 which the levy was set that began the last  
12 cycle?

13 A. That would have been in 2012.

14 Q. And the reassessment of that levy  
15 was recently undertaken, is that correct, in  
16 the past year?

17 A. That is correct.

18 Q. And a new levy was voted on in  
19 this past election cycle in November,  
20 correct?

21 A. Yes. We had the levy on the  
22 ballot with a 1 million increase. It was  
23 approved by 60.2 percent of the voters.

24 Q. In 2012, the last time that it  
25 was -- the levy cycle began, was the levy

1 increased at that time as well?

2 A. No. The levy was not increased  
3 in 2012.

4 Q. When was the last time that the  
5 levy was increased prior to this last  
6 assessment?

7 A. The last increase to our levy was  
8 30 years prior.

9 Q. So would you say then that the  
10 levy increase was long overdue?

11 MR. PENDELL: Objection to form.

12 THE WITNESS: No. I wouldn't  
13 agree with that assessment.

14 BY MS. HIBBERT:

15 Q. Why not?

16 It was certainly assessed that  
17 there was a significant need for increase in  
18 the tax levy this past year, correct?

19 A. That is correct.

20 Q. And part of the problem was that  
21 there was a significant amount of lost  
22 revenue from 2008 to 2012 due to the  
23 financial crisis and resulting drop in  
24 property values, correct?

25 MR. PENDELL: Objection to form.



1 THE WITNESS: Yes, that is  
2 correct.

3 BY MS. HIBBERT:

4 Q. And just to go back a little bit,  
5 the tax levy that we talked about, the  
6 millage, that's all dependent on property  
7 values in the jurisdiction, correct?

8 A. Millage is determined by --  
9 essentially, by us. We present it to the  
10 board, and the social service advisory  
11 committee and county counsel ultimately  
12 approves our millage.

13 But our collections that are then  
14 received are based on property values.

15 Q. The amount that you ultimately  
16 take in from the levy is dependent on the  
17 property values in the jurisdiction, fair?

18 A. That is correct.

19 Q. In addition to the lost revenue  
20 in 2008 to 2012 due to the financial crisis,  
21 was there also an issue with lost additional  
22 revenue due to the phase-out of taxes on  
23 tangible business personal property that  
24 affected the amount of tax levy that was  
25 available in this past levy cycle?

1 MR. PENDELL: Objection to the  
2 form.

3 THE WITNESS: Yes, tangible  
4 personal property tax was phased out by  
5 the State of Ohio during -- I think  
6 beginning in around 2012 and concluding  
7 in 2016.

8 BY MS. HIBBERT:

9 Q. What was that tax on tangible  
10 business personal property? Can you describe  
11 that?

12 MR. PENDELL: Objection to form.

13 THE WITNESS: No. I don't  
14 understand the -- I don't know  
15 specifically what that tax was.

16 BY MS. HIBBERT:

17 Q. Do you understand the effect that  
18 the phase out of that specific tax had on the  
19 tax levy amount this past tax cycle?

20 A. The phase out of tangible  
21 personal property tax didn't affect our levy  
22 collections.

23 Q. It affected the amount of  
24 additional revenue that was collected,  
25 correct?

1           A.    Yes.   Tangible personal property  
2           taxes was separate and distinct from levy  
3           collections.

4           Q.    I see.

5                   How did the tangible personal  
6           property tax affect revenue?

7                   MR. PENDELL:   Objection to form.

8                   THE WITNESS:   At its peak,  
9           tangible personal property tax was worth  
10          roughly about \$3.8 million to  
11          Summit County Children Services.

12                   And, again, it was phased out  
13          over the course of about a five-year  
14          period.   So we lost -- I think in total  
15          it was -- I would have to guess.   I  
16          don't know what the total was.

17          BY MS. HIBBERT:

18                  Q.    Was that \$3.8 million per year  
19          that it was worth when it was in effect?

20                  A.    Yes, I do believe it was.

21                  Q.    And were those -- were those  
22          funds received from the tangible personal  
23          property tax, were they allocated to any  
24          specific programs or anything specific to  
25          SCCS, or were they generally available?

1 MR. PENDELL: Objection to form.

2 THE WITNESS: Yes. They were  
3 generally available to the agency to use  
4 for, you know, operating purposes.

5 BY MS. HIBBERT:

6 Q. And that's not an insignificant  
7 loss to SCCS, \$3.8 million per year for  
8 overall budget, correct?

9 MR. PENDELL: Objection.

10 THE WITNESS: That's correct.  
11 It's not insignificant.

12 BY MS. HIBBERT:

13 Q. Has there ever been any  
14 assessment done on the exact impact the  
15 financial crisis had from 2008 to 2012 on  
16 lost revenue, and the resulting property  
17 value decrease?

18 MR. PENDELL: Objection to form.

19 THE WITNESS: I wouldn't say that  
20 we have done anything specific, but we  
21 have certainly looked at, you know, our  
22 levy collection revenue over that time  
23 period.

24 You know, obviously, we've looked  
25 at the tangible personal property tax,

1           you know, that we lost. And we have,  
2           you know, been able to calculate, you  
3           know, the total loss between those two  
4           time frames.

5           BY MS. HIBBERT:

6           Q.     Is it fair to say that the lost  
7           revenue from these two different things, the  
8           financial crisis and the resulting drop in  
9           property values, and the lost tangible  
10          personal property tax were main factors in  
11          asking for an increase in the tax levy this  
12          cycle?

13                 MR. PENDELL:   Objection to form.

14                 THE WITNESS:   I would say that  
15                 they certainly contributed. I don't  
16                 know that -- I don't know that I would  
17                 characterize it as main, as the main  
18                 reason. But it certainly contributed,  
19                 yes.

20           BY MS. HIBBERT:

21           Q.     Would you say they had a higher  
22           contribution than any other factors in  
23           increasing the tax levy this cycle?

24                 MR. PENDELL:   Objection.

25                 THE WITNESS:   I don't know that I

1                   can answer that. I don't know.

2           BY MS. HIBBERT:

3                   Q.     What other factors were  
4                   considered in asking for the additional tax  
5                   levy this cycle?

6                   A.     Well, we look at our budget as a  
7                   whole. And obviously -- well, in looking at  
8                   our budget and where we have been since  
9                   mid-2011, we have been running budget  
10                  deficits somewhere around mid-2011.

11                         So we look at cash reserves and  
12                   what we need to operate going forward,  
13                   obviously our personnel cost, our placement  
14                   costs, which are our two largest cost items,  
15                   are factored into that.

16                         So while loss of revenue is a  
17                   significant factor, we also have to consider  
18                   an increase in cost.

19                   Q.     Has there ever been any  
20                   assessment done as to whether opioids have  
21                   affected revenues for SCCS, to your  
22                   knowledge?

23                   A.     To my knowledge, there's been no  
24                   assessment done in terms of what opioids have  
25                   cost us in revenue.

1           Q.    The only assessment that you're  
2           aware of that we've talked about previously  
3           before, represented in that spreadsheet,  
4           Exhibit 3, those represent an analysis of the  
5           effect of opioids on costs and expenditures,  
6           correct?

7           A.    Yes, that is correct.

8           Q.    That's a fair representation of  
9           that spreadsheet?

10          A.    Yes. It represents -- you know,  
11          it's an estimate of the impact.

12          Q.    And even though there's been no  
13          formal assessment, to your knowledge, have  
14          opioids or the opioid crisis affected  
15          revenues for SCCS in any way?

16               MR. PENDELL: Object to form.

17               THE WITNESS: I don't know. I  
18          don't know.

19          BY MS. HIBBERT:

20          Q.    You don't have any knowledge as  
21          to any effect on revenues that opioids have  
22          had for SCCS, correct?

23          A.    I do not.

24          Q.    The additional tax levy that went  
25          into effect -- let me step back -- that was

1 approved this past election cycle, when does  
2 that go into effect?

3 A. Collections will begin in 2019  
4 and we will receive it in 2020.

5 Q. Do you know how much additional  
6 revenue you expect the increase in tax levy  
7 to produce beginning in 2020 for SCCS?

8 A. Summit County Office of Fiscal  
9 Services has told us to project \$12,085,000  
10 in additional revenue.

11 Q. And is that \$12,085,000 specific  
12 to what SCCS will get as revenue itself, or  
13 is that for Summit County as a whole?

14 A. That is specific to SCCS and the  
15 revenue we are expected to receive.

16 Q. You also receive funds from Ohio  
17 state, correct, as part of our budget?

18 A. From the State of Ohio?

19 Q. Yes.

20 A. Yes, we do.

21 Q. Is it true that Ohio ranks last  
22 in support for child welfare agencies?

23 MR. PENDELL: Objection to form.

24 THE WITNESS: Yes. That is an  
25 accurate representation of the state of



1 Ohio.

2 BY MS. HIBBERT:

3 Q. Has that been something that has  
4 been noted as a problem for SCCS, the lack of  
5 funding from the state?

6 A. Yes, it has.

7 Q. Do you understand that the state  
8 aid for SCCS is 5 percent of the agency's  
9 total revenue?

10 A. Yes, I do.

11 Q. Do you understand that that's  
12 significantly less than other states in the  
13 United States?

14 MR. PENDELL: Objection to form.

15 THE WITNESS: Yes, I do.

16 BY MS. HIBBERT:

17 Q. Would you agree that the state of  
18 Ohio is the worst in the nation when it comes  
19 to funding children's services?

20 MR. PENDELL: Objection to form.

21 Asked and answered.

22 THE WITNESS: I would agree that  
23 the state of Ohio ranks last in the  
24 funding for children's services.

25

1 BY MS. HIBBERT:

2 Q. Has that been an issue that SCCS  
3 has undertaken to advocate against in the  
4 time that you've been with the agency?

5 A. I do know that Julie Barnes is a  
6 member of the Public Children Services  
7 Association of Ohio, which is a specific  
8 lobbying group, similar to the Ohio Job and  
9 Family Services Directors' Association, and  
10 they have been lobbying the state legislature  
11 for additional funding.

12 Q. And what have been the results of  
13 that lobbying effort, to your knowledge?

14 A. Very little, to my knowledge.

15 Q. To your knowledge, has there been  
16 any feedback given as to that lobbying  
17 effort?

18 A. From whom?

19 Q. From the state as to why  
20 additional funds aren't expected?

21 A. To my knowledge, no.

22 Q. Going back to the levy cycle, I  
23 know we said the last time it was assessed  
24 was in 2012 and now it was just recently  
25 assessed in 2018.

1                               When does the next levy cycle  
2                               end?

3                               A.     Well, we would be revisiting in  
4                               2024.

5                               Q.     So it's still on a six-year levy  
6                               cycle; is that correct?

7                               A.     Yes, it is.

8                               Q.     I've seen reference somewhere to,  
9                               for some reason, the levy cycle perhaps  
10                              changing to a 12-year levy cycle.

11                              Do you have any knowledge about  
12                              that?

13                              A.     No, I do not.

14                              Q.     You've never heard of that  
15                              before?

16                              A.     No.

17                              Q.     Were there any other changes to  
18                              the levy cycle or the levy assessment process  
19                              made in this cycle other than what we've  
20                              already talked about?

21                              A.     Not to my knowledge.

22                              Q.     Are the state funds received from  
23                              the State of Ohio, are they allocated for any  
24                              specifics program-wise or department-wise for  
25                              SCCS?

1           A.    They are not allocated for a  
2           specific purpose.

3           Q.    So they fall into what would  
4           typically be referred to as a general fund  
5           for use by the agency; is that correct?

6           A.    For a loose definition, yes, that  
7           would be correct.

8           Q.    Same question for the funds  
9           received from the tax levy. Does that fall  
10          into kind of a general bucket of funds that  
11          can be used by the agency?

12          A.    Yes.

13          Q.    Those aren't allocated in any  
14          certain way?

15          A.    They're only limited by the levy  
16          language, which indicates that the funds are  
17          for abused and neglected and dependent  
18          children.

19          Q.    And does that have any practical  
20          impact on how those funds are used by the  
21          agency?

22          A.    No, not significantly.

23          Q.    Like can those funds not be used  
24          for payroll, for example?

25               MR. PENDELL:  Objection to form.

1 THE WITNESS: Oh, yes. They can  
2 be used for payroll.

3 But -- I cannot even think of a  
4 good example. Like, you don't want to  
5 go and, you know, pay -- I don't know,  
6 somebody else's bill that's not  
7 associated with, you know, the care and  
8 keeping of children.

9 I mean, you don't want to -- I  
10 don't even know how to say it. But we  
11 have very few instances where we have to  
12 make those types of decisions.

13 BY MS. HIBBERT:

14 Q. And you cannot think of any  
15 specific examples of those instances here  
16 today, correct?

17 A. No. No.

18 Q. What percentage does your federal  
19 revenue account for of the overall budget on  
20 average for SCCS?

21 A. On average, it's around  
22 30 percent federal revenue.

23 Q. And has that increased or  
24 decreased substantially in the last couple of  
25 years since you've been in charge of the

1 budget for Summit County Children Services?

2 A. It has not increased or decreased  
3 substantially, no.

4 Q. Same question for the state  
5 revenue that we talked about earlier. Has  
6 that increased or decreased in any  
7 substantial way over the past two and a half,  
8 three years?

9 A. It has not increased in any  
10 substantial way, no.

11 Q. It hasn't been decreased either?

12 A. It has not, no.

13 Q. So we've talked about the tax  
14 levy making up about 60 percent of the  
15 overall revenue, federal income revenue  
16 making about 30 percent, and state about  
17 5 percent.

18 Are those generally accurate  
19 average numbers?

20 A. Yeah. Generally, yes.

21 Q. What makes up the other  
22 5 percent?

23 A. We do receive a couple of grants  
24 which we consider local funding. Wendy's  
25 Wonderful Kids provides us with a, you know,

1           small amount of money.

2                       And all of those percentages are,  
3           you know, as we said, those are rough  
4           estimates. If we looked at our total state  
5           revenues, it's probably closer to 8 percent.

6                       The one I think that you're  
7           referring to is called our State Child  
8           Protective Allocation, and it's roughly  
9           5 percent. Then there are other smaller  
10          buckets of money that we receive from the  
11          state.

12                      Q.     What's the difference between the  
13          child protective allocation from the state  
14          and the other buckets of money?

15                      A.     Other than the dollar amount, the  
16          State Child Protective Allocation is the  
17          largest allocation that the state gives us.  
18          You know, it's roughly 2 -- \$2.6 million.

19                      The other allocations that we  
20          receive, which are called Emergency Service  
21          Allocations, you know, they're in the  
22          hundreds of thousands, and so they're very  
23          small by comparison.

24                      Q.     And there's no difference in how  
25          those funds can be used between the child

1 protective allocation funds and the emergency  
2 services funds, correct?

3 A. The emergency services funds do  
4 generally come with some strings attached,  
5 that the case that you're working with has to  
6 have certain, you know, characteristics in  
7 order to use the money for that particular  
8 case.

9 Q. What particular characteristics  
10 must the case involve to use the emergency  
11 services fund?

12 A. Well, for example, we have what's  
13 called -- ESAA is the acronym for emergency  
14 services allocation. We have ESAA  
15 preservation dollars that are available to  
16 us.

17 So we have to -- essentially, the  
18 case has to carry the characteristic that  
19 we're trying to preserve the child inside the  
20 home.

21 So an example would be we're  
22 going to pay your rent for the next two  
23 months so that you don't lose your housing  
24 and we have to then, you know, take custody  
25 of your children. That would be an example.



1           Q.    And are there other examples  
2           other than the preservation dollars that fall  
3           within the ESAA kind of limitations that we  
4           talked about?

5           A.    Yes.  There's preservation and  
6           there's reunification.

7           Q.    What does that mean?

8           A.    Reunification essentially means  
9           what it says.  The case has to carry the  
10          characteristic that -- excuse me -- we are  
11          trying to reunify the family -- or reunify  
12          the child with the family or with the kinship  
13          care provider.

14          Q.    Do you have to submit any sort of  
15          reporting or anything to evidence that those  
16          characteristics were present for the cases  
17          that you used the emergency services funds  
18          for?

19          A.    We don't have to submit anything  
20          specific to the State of Ohio, but we have to  
21          notate those characteristics in the SACWIS  
22          system, in the case file.

23          Q.    What is the SACWIS system?

24          A.    SACWIS is the State-Administered  
25          Child Welfare Information System.

1 Q. And abbreviated SACWIS?

2 A. Yes.

3 Q. Referred to frequently as SACWIS,  
4 correct?

5 A. That is correct.

6 Q. And how is that system used by  
7 your department?

8 A. My department uses SACWIS in a  
9 couple of different ways. I had mentioned  
10 earlier that we have to do eligibility  
11 determination for IV-E clients to -- IV-E  
12 kids. I shouldn't say "clients." They're  
13 not our clients. That's poor.

14 But we have to determine  
15 eligibility for children that come into our  
16 custody. That is performed in the SACWIS  
17 system.

18 Q. What are you looking for to  
19 determine eligibility for IV-E, for the  
20 children that are coming into the system?

21 A. I don't know specifically.

22 Q. Who performs that analysis?

23 A. We have one individual in our  
24 department, her name is Stephanie Capps, that  
25 completes that analysis.

1                   Q.     Aside from determining  
2                   eligibility for IV-E, children coming into  
3                   the system, how else is the SACWIS system  
4                   used by your department?

5                   A.     The SACWIS system is also used by  
6                   a financial eligibility specialist -- I  
7                   believe that's her title. And she uses  
8                   SACWIS essentially to pay the placement  
9                   bills.

10                         So, you know, the information  
11                   that's maintained in SACWIS is compared to  
12                   the invoice that's received, and then we  
13                   proceed with processing the invoice for  
14                   placement costs.

15                   Q.     And the information that you're  
16                   referring to that's maintained in SACWIS that  
17                   they're looking for to pay these placement  
18                   bills, what is that, exactly?

19                   A.     We look at -- essentially, we  
20                   look at spans of placement. So if a  
21                   placement provider whom we have a contract  
22                   with says that they had a child from this  
23                   date to this date, that information has to be  
24                   reflected in SACWIS.

25                   Q.     And is that information reflected

1 in SACWIS in like a case file for that child?

2 A. Yes. Each child has a specific  
3 case identifier, and their information is  
4 maintained independent of any other.

5 Q. When you're going into the SACWIS  
6 system, or whoever is going in from your  
7 department to look for either eligibility or  
8 the financial eligibility, are they looking  
9 then at the specific case file for that  
10 individual child?

11 A. Could you repeat that one more  
12 time?

13 Q. Sure.

14 When the individual from your  
15 department that is looking into eligibility  
16 for IV-E or financial eligibility, for each  
17 of those circumstances, are they then going  
18 into the SACWIS system and looking at the  
19 individual case file for that child?

20 MR. PENDELL: Objection, form.

21 THE WITNESS: Yes. They would be  
22 looking at the individual child's  
23 record.

24 BY MS. HIBBERT:

25 Q. To your knowledge, who maintains

1 the individual child's record in the SACWIS  
2 system?

3 A. I don't know who the custodian of  
4 that -- I don't know.

5 Q. Do you know whether it's  
6 individuals from SCCS that are actually  
7 inputting the information into the SACWIS  
8 system for the children?

9 MR. PENDELL: Objection to form.

10 THE WITNESS: Yes. There are. I  
11 mean, but -- I think that -- and I  
12 shouldn't speculate. I would guess.

13 BY MS. HIBBERT:

14 Q. But it's your understanding that  
15 the SACWIS system is the electronic database  
16 encompassing the individual case files for  
17 each child involved with SCCS services,  
18 correct?

19 A. Yes. That is correct.

20 Q. Other than eligibility for IV-E  
21 and financial eligibility, are there any  
22 other things that your department used the  
23 SACWIS system for?

24 A. Not to my knowledge.

25 Q. For determining eligibility for

1 IV-E or the financial eligibility and the use  
2 of the SACWIS system to do those things, are  
3 there any sort of reports that are run for  
4 those processes?

5 A. Not to my knowledge.

6 Q. Like when we're determining, you  
7 said, whether a paid placement bill is paid,  
8 is that something that's done on a monthly  
9 basis where they're checking the financial  
10 eligibility in SACWIS?

11 A. Yes. That is a monthly process  
12 that we check the eligibility in the date  
13 span, so to say.

14 Q. And who is performing that  
15 process?

16 A. Margaret Cross completes our paid  
17 placement billing.

18 Q. What's her title?

19 A. I believe she's a financial  
20 eligibility specialist. I think that's what  
21 her title is.

22 Q. Does she run any reports on the  
23 paid placement billing on a monthly basis for  
24 you?

25 A. No, she does not.

1           Q.    Is your department in charge of  
2           entering any information into the SACWIS  
3           system?

4           A.    Yes.   My department is  
5           responsible for entering information into  
6           SACWIS.

7           Q.    What information is your  
8           department responsible for entering into the  
9           SACWIS system?

10          A.    My department would be  
11          responsible for entering in eligibility  
12          and -- yeah, eligibility information.

13          Q.    Eligibility for what?

14          A.    For IV-E eligibility, to  
15          determine eligibility and reimbursability.

16          Q.    I see.   So when we were talking  
17          earlier about accessing the SACWIS system for  
18          eligibility for IV-E, that wasn't to  
19          determine the IV-E, that was to actually  
20          input the information as to the IV-E  
21          eligibility; is that correct?

22          A.    No.   My department actually  
23          enters the information, and based on what is  
24          provided to them, what they enter,  
25          eligibility is determined.

1           Q.    Is there any other information  
2           that your department is responsible for  
3           inputting into the SACWIS system other than  
4           that related to eligibility?

5           A.    Not that I'm aware of.

6           Q.    Any other uses of the SACWIS  
7           system other than what we've already talked  
8           about?

9           A.    Not to my knowledge, no.

10          Q.    Do you, yourself, ever access the  
11          SACWIS system?

12          A.    Gratefully, I do not.

13          Q.    If you needed to obtain  
14          information from the SACWIS system, who would  
15          you call?

16          A.    I would more than likely talk to  
17          Jennifer Snyder and/or Julie Barnes.

18          Q.    And why is that?

19          A.    Well, Jennifer, as mentioned  
20          earlier, supervises the individuals that  
21          enter the information into the SACWIS system.  
22          And Julie, you know -- if I didn't know who  
23          else to turn to, I would turn to Julie.

24          Q.    Precentage-wise, or average  
25          precentage-wise, how much revenue do the



1 grants make up on a yearly basis for SCCS?

2 A. I don't know. I would have to  
3 guess.

4 Q. Have you kept track of that  
5 information year to year --

6 A. Yes.

7 Q. -- for budgeting purposes?

8 A. Yes.

9 Q. And would that information be  
10 accounted for in the budget?

11 A. Yes. It would be accounted for  
12 in a line item.

13 Q. What grants -- during your time,  
14 your tenure at SCCS, what grants have -- has  
15 the agency applied for?

16 A. Well, I don't know what they have  
17 applied for.

18 Q. Have you been involved in the  
19 application process for any particular  
20 grants?

21 A. I have not been involved in the  
22 application process.

23 Q. Have you been asked to submit any  
24 information to support any applications for  
25 grants?

1 A. No, I have not.

2 Q. Do you know who is in -- who is  
3 responsible for applying for grants for SCCS?

4 A. I do not know the specific  
5 individual who completes grant applications  
6 for SCCS.

7 Q. Is there -- is it somebody that's  
8 in your department or another department?

9 A. It's in another department. It  
10 is not in my department.

11 Q. Do you know what department?

12 A. I do not.

13 Q. Do you know the process for which  
14 grants are picked or selected for  
15 application?

16 A. I do not.

17 Q. Do you know what grants SCCS has  
18 received in the time that you've been in  
19 charge of the agency, the fiscal management  
20 of the agency?

21 A. Yes. I do know the grants that  
22 we've received.

23 Q. What types of grants has the  
24 agency received during your tenure there?

25 A. We have received STARS grant.

1 We've received two HUD grants that are for  
2 housing in what's called Rapid Rehousing.

3 Q. What does "Rapid Rehousing" mean?

4 A. Rapid Rehousing is associated  
5 with our independent living group. So it's  
6 children that have been in our custody, in  
7 our permanent custody, that have now  
8 emancipated, so they've reached -- graduated  
9 from school, reached the age of 18, and  
10 they're now living on their own.

11 So Rapid Rehousing is essentially  
12 used to make sure they don't go homeless. If  
13 something happens with their housing  
14 situation, that we're able to respond  
15 quickly, get them into another housing  
16 situation.

17 Q. Is there an age cutoff for a  
18 child to receive services from SCCS?

19 A. I don't know if there's a  
20 specific age cutoff.

21 Q. I interrupted you.

22 Aside from the STARS grant and  
23 the HUD grants, are there any other grants  
24 that you're aware of that SCCS has received  
25 during your tenure there?

1           A.    I think I mentioned earlier, the  
2           Wendy's Wonderful Kids, which is  
3           adoption-related. It's support for adoptions  
4           services.

5                   There's been some other small  
6           grants that we've received. They're  
7           relatively small, but we have a workforce  
8           initiative grant that we currently have;  
9           another that's called 60 Days to Family or 30  
10          Days to Family. 30 Days to Family.

11                   And we have one that is just  
12          getting ready to start, and it's called the  
13          Start grant.

14           Q.    Where are these grant funds  
15          coming from? Or does it differ between grant  
16          to grant?

17                   MR. PENDELL: Objection to form.

18                   THE WITNESS: It does differ from  
19          grant to grant. The STARS grant and the  
20          HUD grants are federal funds. I believe  
21          the Workforce Initiative is a  
22          state-funded grant. I think the Start  
23          grant is state-funded.

24                   Wendy's Wonderful Kids is the  
25          Dave Thomas Foundation. So that's a

1 private foundation that provides those  
2 grant funds.

3 So there's various sources for  
4 the grants.

5 BY MS. HIBBERT:

6 Q. When did the county first  
7 obtain -- or SCCS first obtain the STARS  
8 grant?

9 MR. PENDELL: Objection to form.

10 THE WITNESS: I believe it was  
11 2010 when the STARS grant began;  
12 obviously before my tenure as deputy  
13 director.

14 BY MS. HIBBERT:

15 Q. We'll come back to that a bit  
16 later.

17 I think one other thing, one  
18 other source of funds that we haven't  
19 discussed yet that SCCS has available is  
20 what's called I believe the fund balance.

21 Do you know what I mean when I  
22 say that?

23 A. I do not.

24 Q. Have you ever heard of anything  
25 called like the carryover funds or the fund

1 balance?

2 A. Yes. We have a carry-forward  
3 balance, yes.

4 Q. What does the carry-forward  
5 balance mean to you?

6 A. The carry-forward balance is  
7 essentially -- I mean, it's essentially  
8 unspent revenue that we're able to carry  
9 forward from fiscal period to fiscal period.

10 MS. HIBBERT: I'm going to show  
11 you what I'm going to mark as Exhibit 6.

12 THE WITNESS: Thank you.

13 (2016 Annual Report, Summit  
14 County Children Services, Bates  
15 SUMMIT\_000019809 through  
16 SUMMIT\_000019812, marked as  
17 Deposition Exhibit 6.)

18 BY MS. HIBBERT:

19 Q. Have you ever seen that document  
20 before?

21 A. Yes, I have seen this.

22 Q. This is the 2016 annual report  
23 for Summit County Children Services, correct?

24 A. Yes, it is.

25 Q. Did you help draft this report?

1           A.    Yes.   I think that prior to  
2           Gary's departure, he and I worked on this, or  
3           at least he walked me through the process of  
4           how to put this information together.

5                    So, yeah, I do believe I worked  
6           on this financial report, this report.

7           Q.    And is this annual report  
8           something that you've put out every year  
9           since you arrived at SCCS in 2016?

10          A.    Yes.

11          Q.    I want to turn to page 4 of the  
12          document marked as Exhibit 6, for the record,  
13          beginning with Bates Number 19809.

14                   Let me know when you're there.

15          A.    I'm there.

16          Q.    I'm going to refer down to --  
17          there's a chart at the bottom left-hand  
18          corner of page 4 of Exhibit 6.

19                   Do you see that chart?

20                   MR. PENDELL:   It's marked A12 at  
21          the bottom, correct?

22                   MS. HIBBERT:   Yes.

23                   THE WITNESS:   Yes.   I see the  
24          chart.

25

1 BY MS. HIBBERT:

2 Q. Okay.

3 And it is titled at the top "2016  
4 Summary of Financial Statements."

5 Do you see that?

6 A. Yes.

7 Q. Right underneath there, it says  
8 "Beginning fund balance," and it has a  
9 balance there.

10 And then at the bottom of that  
11 chart there, it has an ending fund balance  
12 and it has a balance there.

13 What does that mean, the fund  
14 balance that's reflected there?

15 MR. PENDELL: Objection to form.  
16 What do you mean by "there"?

17 MS. HIBBERT: "There" being what  
18 I just referenced.

19 MR. PENDELL: Right. But you  
20 talked about the beginning fund balance  
21 and the ending fund balance, and you  
22 said "What's reflected there."

23 I'm unclear as to whether you're  
24 talking about the beginning fund balance  
25 or the ending fund balance, my



1 objection.

2 MS. HIBBERT: Thanks for your  
3 speaking objection. You can limit it to  
4 form next time.

5 BY MS. HIBBERT:

6 Q. Mr. Kearns, did you understand my  
7 question?

8 A. I believe so. I believe you're  
9 asking me what the fund balance represents;  
10 is that --

11 Q. Correct, yes.

12 A. Okay. If I can put it in  
13 layman's terms --

14 Q. Please do.

15 A. -- essentially, how I explain  
16 fund balance is essentially if you have a  
17 checkbook -- and hopefully you all have a  
18 checkbook -- and you have a beginning balance  
19 that comes forward from one month to the  
20 next, and then you function through that  
21 month and you pay your car payment and your  
22 house and you get your paycheck and you do  
23 all of those sorts of things. And at the end  
24 of that given month, you have a balance left  
25 in your checking account.

1                   That's what fund balance is. You  
2                   begin with a balance, you perform all of your  
3                   fiscal functions for a given year, and then  
4                   you have an ending fund balance.

5                   Q.     Was there an initiation or an  
6                   initial fund balance at the beginning of the  
7                   inception of SCCS, to your knowledge?

8                   A.     I do not know.

9                   Q.     You don't know how that fund  
10                  balance was initially established; is that  
11                  correct?

12                  MR. PENDELL:   Objection to form.

13                  THE WITNESS:   I do not know.

14                  BY MS. HIBBERT:

15                  Q.     Would it be fair to characterize  
16                  the fund balance as sort of a reserve for  
17                  SCCS?

18                  A.     I would say that's a generally  
19                  fair representation, yes.

20                  Q.     I've seen that fund balance  
21                  described somewhere as a service delivery  
22                  insurance fund for emergency and mandated  
23                  services.

24                  Is that an accurate  
25                  characterization of what the fund represents?

1 MR. PENDELL: Objection to form.

2 THE WITNESS: I have never heard  
3 that characterization before.

4 MS. HIBBERT: I wish I could find  
5 where I saw that.

6 Counsel, we're nearing on  
7 1:00 here, and I think I'm about to  
8 switch gears and get into a slightly  
9 different line of questions. So if we  
10 want to break for lunch, now I think  
11 would probably be a good time.

12 MR. PENDELL: Sure.

13 THE VIDEOGRAPHER: Off the  
14 record, 12:53.

15 (Recess taken, 12:53 p.m. to  
16 1:51 p.m.)

17 -----

18 AFTERNOON SESSION

19 -----

20 THE VIDEOGRAPHER: We're on the  
21 record, 1:51.

22 BY MS. HIBBERT:

23 Q. Mr. Kearns, when we left off  
24 before lunch, we were talking about what was  
25 called a fund balance in your report.

1 Do you recall that conversation?

2 A. I do.

3 Q. Is it fair to call a fund balance  
4 a surplus of funds?

5 A. I think it could be fairly  
6 characterized as a surplus, a carry forward.  
7 I mean, it's something that we have to have  
8 because of the funding structure that we live  
9 within at Summit County Children Services.

10 Q. Do you know when that surplus was  
11 built up over time?

12 A. I do not.

13 Q. Do you have any information about  
14 how that surplus was built up?

15 A. I don't have any specific  
16 information other than there are years when  
17 our revenues would exceed our expenditures.

18 And, again, it's a process that  
19 we really have to -- we have to have that  
20 process as a levy-funded agency, because in  
21 any -- as part of the levy process, the levy  
22 funding process, we have to have a cash build  
23 during the beginning of the levy process,  
24 maybe even the first six years of the levy.

25 And then we go into what we call

1 a cash burn or a cash utilization phase,  
2 because we're primarily funded with the levy.

3 And just because of the nature of  
4 the levy that we have and the funding  
5 structure that we live within, because we  
6 work on a reimbursement basis, so we don't  
7 get money so to say "up front." We have to  
8 spend it and then we get reimbursed.  
9 That's -- we have to have a fund balance in  
10 order to exist.

11 Q. Okay. There was a lot packed  
12 into that answer.

13 A. There was. I'm sorry.

14 Q. I'll start with the levy cycle  
15 and how it -- if I can paraphrase that, how  
16 it starts out with, I guess, more of a  
17 surplus, and then there's a cash burn, I  
18 think you described it as.

19 A. Yeah.

20 Q. Why is that part of the levy  
21 cycle? What is it about the levy that makes  
22 that a case?

23 A. Because of our funding structure  
24 and because, as we discussed earlier, you  
25 know, our federal revenues haven't changed

1 significantly over the last three or four  
2 years. Our levy is -- I mean, it's a set  
3 dollar amount.

4 And because we don't -- when  
5 property values rise, we don't get any  
6 additional levy dollars. Okay?

7 So our levy -- at the point when  
8 it's levied, that's the dollar amount that we  
9 can collect.

10 So because of that and the nature  
11 of doing business -- I mean, you're going to  
12 have employees get raises. You're going to  
13 have increases in costs for placing children.  
14 You're going to pay more for electric. It's  
15 just the natural course of doing business.  
16 You have to build a cash balance in order  
17 to -- in order to survive.

18 Q. And has that always been  
19 consistent, to your knowledge, that through  
20 the levy cycle there's a buildup of the cash  
21 balance, and then there are years that are  
22 cash-burning years, as you put it?

23 A. Yes. To the best of my  
24 knowledge, in the entities that I have either  
25 worked for here in Portage County or audited

1 in the past, there is a cash build and then a  
2 cash utilization. Let's put it that way.

3 Q. In the past levy cycle, so that  
4 was from, I think you said, 2000 -- I'm  
5 sorry, 2006 to 2012; is that right?

6 A. That would have been the  
7 previous. I think it would be -- our most  
8 recent began in 2012.

9 Q. Okay.

10 So let's go 2012 to 2018. Was  
11 there a year or years in that period of time  
12 where the revenue exceeded the expenditures  
13 and there was a cash build?

14 A. There were not.

15 Q. There were not.

16 How about the levy cycle before  
17 that, 2006 to 2012, same question. Was there  
18 a year or years in that cycle where the  
19 revenue exceeded expenditures and there was a  
20 cash build?

21 A. Yes. I believe from -- it would  
22 have been 2006 through like the mid-2011,  
23 they would have been in a cash-building  
24 cycle.

25 Q. Do you know why or has there been

1 any assessment as to why there was no  
2 cash-building cycle years in the last levy  
3 cycle, 2012 to 2018?

4 A. There was no cash build during  
5 that time frame, because when we -- well,  
6 when SCCS entered the 2012 levy cycle, they  
7 had a significant cash carry-forward, so  
8 there was no need to ask for additional  
9 revenue, you know, from the levy because they  
10 had sufficient cash to carry them forward.

11 Q. So there was no change to the  
12 levy -- I think you said there was no change  
13 to the levy for some 30 years before this  
14 past reassessment, 2018, correct?

15 A. That is correct.

16 Q. So in 2012, when the levy was  
17 reassessed, there was no change made to it at  
18 that point?

19 A. Correct.

20 Q. And part of that analysis was  
21 because there was a significant cash balance  
22 that would be moving forward with SCCS,  
23 correct?

24 A. Yes. That is accurate.

25 Q. Do you anticipate or have you



1 forecasted a cash build year or years in the  
2 next levy cycle due to the increase in tax  
3 levy?

4 A. Yes. We have done projections.

5 Q. And what have you projected as  
6 far as cash-building years in the next levy  
7 cycle?

8 A. We are projecting -- if memory  
9 serves me correctly, we are projecting  
10 probably the next -- through the next six to  
11 seven years should be cash-building years.

12 Q. Why is that? Is there an  
13 explanation as to why you think the next six  
14 to seven years are going to be cash-building  
15 years?

16 A. Yes. The next six to seven years  
17 need to be cash-building years because,  
18 again, the way that we're funded, going into  
19 2019, our cash balance right now we're  
20 projecting is around \$12 million.

21 Probably in August of 2019, we'll  
22 slip into the single digits, maybe even the  
23 low single digits, in terms of that cash  
24 carry-forward, and that's not sufficient to  
25 carry us through 2020 and on.

1                   So we really have to rebuild that  
2                   cash balance in order to survive at  
3                   the -- you know, in the second half of the --  
4                   probably the second levy cycle, when we're  
5                   utilizing cash again.

6                   Q.     And is the building of that cash  
7                   balance in the next six to seven years, is  
8                   that focused on increasing revenues probably  
9                   through the tax levy, or does it also involve  
10                  cutting costs and expenditures?

11                  MR. PENDELL:   Objection to form.

12                  THE WITNESS:   The cash build will  
13                  primarily be related to additional  
14                  revenue.

15                  BY MS. HIBBERT:

16                  Q.     Through the tax levy or --

17                  A.     Through the tax levy, yes.

18                  Q.     The tax levy that we've been  
19                  discussing, is that a levy that is  
20                  specifically for SCCS or is that part of a  
21                  more general levy for Summit County that then  
22                  is allocated for SCCS, in part?

23                  MR. PENDELL:   Objection to form.

24                  THE WITNESS:   It is specific to  
25                  Summit County Children Services.

1 BY MS. HIBBERT:

2 Q. Does it have a specific name?

3 A. No.

4 Q. Just the SCCS tax levy?

5 A. Yeah. No, it doesn't have a  
6 specific name.

7 Q. Is that how you refer to it?

8 A. Yeah. We just call it the  
9 Children Services levy.

10 Q. Does that tax levy also apply to  
11 residents in the city of Akron, or is that  
12 only specific to Summit County, to your  
13 knowledge?

14 A. It would apply to residents of  
15 the city of Akron, yes.

16 Q. Children residing in the city of  
17 Akron, they receive services, if they are  
18 going to receive services, through SCCS,  
19 correct? There's no separate Children  
20 Services for Akron?

21 MR. PENDELL: Objection to form.

22 THE WITNESS: Not that I'm aware  
23 of.

24 BY MS. HIBBERT:

25 Q. The costs that would be

1 associated with services received by or  
2 provided to children residing in the city of  
3 Akron, would that be picked up by SCCS?

4 A. Could you state the question  
5 again? I'm sorry.

6 Q. Sure.

7 There's no cost sharing between  
8 the city of Akron and Summit County with  
9 regard to services provided by SCCS for any  
10 children residing in the city of Akron,  
11 correct?

12 A. Not that I'm aware of.

13 Q. You don't receive any funds from  
14 the city of Akron specifically for SCCS,  
15 correct?

16 A. No, we do not, not from the city  
17 of Akron.

18 Q. Are you aware of any costs or  
19 expenditures on behalf of the city of Akron  
20 for any Children Services that aren't assumed  
21 by SCCS?

22 A. Not that I'm aware of.

23 (Summit County Children Services  
24 2017 Budget, Bates

25 SUMMIT\_000982175 through

1                   SUMMIT\_000982225, marked as  
2                   Deposition Exhibit 7.)

3           BY MS. HIBBERT:

4                   Q.    I'm going to show you what I've  
5                   marked as Exhibit Number 7.

6                   A.    Thank you.

7                   Q.    Have you seen this document  
8                   before?

9                   A.    Yes, I have.

10                  Q.    And this is the 2017 budget, for  
11                  the record, Bates-labeled on the first page  
12                  982175.

13                  Do you recognize this to be the  
14                  2017 budget?

15                  A.    Yes, I do.

16                  Q.    Do you have a role in preparation  
17                  of -- or did you have a role in the  
18                  preparation of this document, Exhibit 7, the  
19                  2017 budget?

20                  A.    Yes, I did.

21                  Q.    We'll refer to this over the next  
22                  couple of hours, but I want to first direct  
23                  your attention to page 22 of Exhibit 7.

24                  Let me know when you're there.

25                  A.    I am.

1 Q. And this is the page for the  
2 financial services -- I'm sorry, the  
3 financial statement revenues, correct?

4 A. Yes, it is the revenues.

5 Q. And this is a chart of breakdown  
6 of the actual and then forecasted revenues  
7 for SCCS, correct?

8 A. That is correct.

9 Q. And as we talked about before,  
10 these include funds coming in from federal,  
11 state, and local, as well as the levy,  
12 correct?

13 A. Yes. That is correct.

14 Q. We talked a little bit about  
15 federal funds earlier, the funds that are  
16 listed here for regional training, foster --  
17 I believe that's parent regional training,  
18 and then down the line.

19 Are those funds that are  
20 consistent from year to year or do they  
21 change -- not in amounts, but in titles? Do  
22 those funds change year to year?

23 A. No. Those are very consistent.

24 Q. Did those funds have different  
25 criteria for inclusion or the amounts that

1 are allocated for those funds?

2 A. I don't understand what you're  
3 asking.

4 Q. Sure.

5 Are there criteria -- are there  
6 inclusion criteria for any of the federal  
7 funds received from SCCS?

8 A. Again, I don't understand what  
9 you mean by "inclusion criteria."

10 Q. Sure.

11 Does SCCS have to meet any  
12 specific criteria to receive the federal  
13 funds?

14 A. Okay. You mean other than,  
15 obviously, with IV-E, as we talked about  
16 earlier, there is an eligibility criteria,  
17 eligibility and reimbursability. A lot of  
18 the -- like independent living, for example,  
19 those are earmarked specifically for  
20 emancipated youth that we talked about  
21 earlier, so there's some criteria to being  
22 able to access those dollars, but ...

23 Q. Are there any criteria like SCCS  
24 has to have particular programs in place or  
25 they have to meet particular metrics or

1 anything like that that need to be met to  
2 receive these federal funds that you're aware  
3 of?

4 A. Not that I'm aware of, no.

5 Q. Same question for the state  
6 funds. Are there any specific criteria or  
7 metrics that SCCS has to meet in order to  
8 receive those state funds?

9 A. No, other than, you know,  
10 obviously for some of the state programs, I  
11 mean, they have criteria that you have to  
12 identify in the case file in order to access  
13 that funding. But otherwise, no.

14 Q. What do you mean by "criteria in  
15 the case file"?

16 A. For example, like kinship  
17 incentives. We cannot place a child in a  
18 foster care setting and then claim a kinship  
19 incentive. A child has to be placed in a  
20 kinship incentive in order to access that  
21 funding.

22 Q. Going back to the federal funds,  
23 what is the -- I think you referenced this  
24 before -- the TANF Title 20, the T-A-N-F?  
25 What is that?



1           A.     TANF Title 20 -- TANF is  
2     Temporary Assistance for Needy Families. And  
3     the Title 20 references the criteria that has  
4     to be in place in order to use those dollars.  
5     So, essentially, it's TANF dollars that can  
6     be used for Title 20 purposes. And those are  
7     funds that we access for the care and keeping  
8     of children.

9           Q.     And the STARS grant there is  
10    listed at the bottom of the federal funds.

11                   Do you see that?

12           A.     I do.

13           Q.     Is that the only federal grant  
14    that SCCS has received during your tenure?

15           A.     No. Above, you'll see there's  
16    the HUD grant, transitional housing. Those  
17    are also federal dollars.

18           Q.     What are the parent support local  
19    funds?

20           A.     Parent support local funds would  
21    be child support that we receive for children  
22    that are in our custody.

23           Q.     Are those -- how is that, I  
24    guess, generated?

25           A.     Those funds are generated

1           essentially by when we take custody of a  
2           child and there is court-ordered child  
3           support for that child, it is supposed to be  
4           redirected from the custodial parent to us.

5           Q.     Do you work with the office of --  
6           is there an Office of Child Support that you  
7           work for -- work with in conjunction to  
8           receiving those funds?

9           A.     There is an office -- there is an  
10          Office of Child Support in Summit County.  
11          And we don't work closely with them.  
12          Generally, they notify us when there is a  
13          child that has support, and they forward that  
14          support to us.

15          Q.     So they are in charge of -- the  
16          Office of Child Support for Summit County are  
17          in charge of the actual collection of that  
18          support order?

19          A.     That is correct.

20          Q.     Other than the limited criteria  
21          that we've discussed so far, is there any  
22          other criteria that SCCS has to meet in order  
23          to receive any of the revenues that we've  
24          discussed thus far today?

25          A.     None specific that I would point

1 to.

2 Q. Are you yourself in charge of  
3 setting the annual budget for SCCS?

4 A. I am not.

5 Q. Who is in charge of that process?

6 A. Ultimately, our budget is  
7 approved by county counsel. They have the  
8 final approval. But our budget moves through  
9 several phases prior to that.

10 Q. Let's talk about each one of  
11 those phases. Where does it start?

12 A. The budget starts with myself.  
13 It is then reviewed by the executive team  
14 several times, at which point it is moved  
15 forward to our resources committee, which is  
16 part of our board of trustees.

17 Q. Are they all board of trustee  
18 members that make up the resources committee?

19 A. Yes. They are all members of the  
20 board of trustees.

21 Q. What other committees exist for  
22 the board of trustees?

23 A. There is a rules committee and a  
24 planning and programs committee.

25 Q. And after the resources

1 committee, where does the budget go?

2 A. After resources committee, they  
3 will -- actually, the resources committee  
4 will recommend to the full board the adoption  
5 of the budget.

6 (Interruption in proceedings.)

7 MS. HIBBERT: Apologies to the  
8 folks on the phone. I understand the  
9 phone has been on mute for -- I think  
10 it's been about ten minutes we've been  
11 going.

12 BY MS. HIBBERT:

13 Q. And after the resources committee  
14 recommends the full adoption to the board of  
15 trustees, what happens then in the budget  
16 process?

17 A. The budget is then taken to  
18 Social Service Advisory Board in  
19 Summit County, and the budget and levy  
20 committee within the Social Services Advisory  
21 Board then reviews and approves our budget.

22 Q. Do you know who is on the Social  
23 Services Advisory Board?

24 A. I do not, not specifically.

25 Q. Do you know who is on the budget

1           and levy committee of the Social Services  
2           Advisory Board?

3           A.     Not specifically, I do not.

4           Q.     Do you know any members?

5           A.     I know a couple.

6           Q.     What are their names?

7           A.     Brian Nelson is one of the  
8           members.

9                     I just lost her name. When it  
10           comes back to me, I'll ...

11           Q.     Going back to the Resources  
12           Committee for the board of trustees, who is  
13           on that committee?

14           A.     The Resources Committee for the  
15           board of trustees? That would be Anna Arvay,  
16           Keith Malick, Omar Banks, Beth Kuckuck,  
17           Diane Miller-Dawson, Katie Stoyloff, and I  
18           think that's all.

19           Q.     After the budget and levy  
20           committee receives the budget, what happens  
21           after that? Where does it go?

22           A.     The Social Services Advisory  
23           Board budget levy committee will recommend  
24           the budget to the full Social Services  
25           Advisory Board for approval.

1 Q. And then after that?

2 A. The full Social Services Advisory  
3 Board will recommend our budget be forwarded  
4 to Eileen Shapiro, who will be asked to  
5 present it to county counsel for approval.

6 Q. Who is Eileen Shapiro? What's  
7 her role or title?

8 A. She is the Summit County  
9 executive.

10 Q. How long has Ms. Shapiro been the  
11 Summit County executive?

12 A. I'm not certain.

13 Q. And you said that Ms. Shapiro,  
14 after she approves, she forwards it to the  
15 county counsel?

16 A. Yes, she does.

17 Q. And then the county counsel  
18 ultimately either approves or disapproves of  
19 the budget, correct?

20 A. Yes. That is correct.

21 Q. At any one of these various steps  
22 that we've identified, are there  
23 opportunities to -- if one of the levels of  
24 review doesn't approve an item or multiple  
25 items, does it just go back down to the next

1 level to be revised, or how does that work?

2 A. If one of the levels disapproved,  
3 the budget would ultimately come back to me,  
4 back to -- you know, I guess back to the base  
5 level. We would make the adjustment. And  
6 then my understanding is that we would have  
7 to run the budget back through the same  
8 process, back up to that level.

9 Q. So it's kind of like start over?

10 A. That would be correct.

11 Q. Has that happened in any of the  
12 years that you've been with SCCS, where  
13 you've had to -- where the budget has come  
14 back to you and you've had to start the  
15 process over again?

16 A. No. We have not had a budget  
17 rejected.

18 Q. Do you know in any years, before  
19 you came on to SCCS, whether there has been a  
20 budget rejection?

21 A. Not to my knowledge.

22 Q. Are you involved in each level of  
23 the budget process that we've identified?

24 A. I'm involved in each level with  
25 the exception of the presentation to the full

1 SSAB.

2 Q. And when you say "presentation to  
3 the full SSAB," that's when the budget and  
4 levy committee are presenting to the full  
5 board, correct?

6 A. Yes. That is correct.

7 Q. So when it's presented to the  
8 executive team, are you presenting that  
9 budget at that point?

10 A. Yes, I am presenting.

11 Q. And then when it makes its way to  
12 the Resources Committee, are you responsible  
13 for presenting the budget at that point too?

14 A. Yes. I assist in the  
15 presentation, along with Julie Barnes.

16 Q. And are you involved then in  
17 recommending the budget to the full board of  
18 trustees after that point?

19 A. Yes, along with, again,  
20 Ms. Barnes.

21 Q. And do you and Barnes at that  
22 point also give a presentation on the budget?

23 A. Generally not. We only answer  
24 questions if anybody on the full board has a  
25 question. She or I will field the question



1 and answer it.

2 Q. And then the same for the budget  
3 and levy committee. Do you present the  
4 budget to them or is it more of a Q&A?

5 A. It is a presentation, and  
6 Ms. Julie Barnes and I make that  
7 presentation.

8 Q. For the 2017 budget that we were  
9 just looking at, were there any obstacles  
10 that you recall in getting that budget passed  
11 in that year?

12 MR. PENDELL: Objection to form.

13 THE WITNESS: Not that I recall.

14 BY MS. HIBBERT:

15 Q. In the 2017 budget, were you  
16 asking for an increase in the budget?

17 A. Yes. I believe there was an  
18 increase in spending.

19 Q. And has that been consistent year  
20 to year since you came on to SCCS?

21 A. Yes. In the two budgets -- well,  
22 now the three budgets that I've presented,  
23 there have been slight increases in spending,  
24 yes.

25 Q. So you've now presented a 2019

1 budget as well?

2 A. Yes, I have.

3 Q. And has that been approved?

4 A. It is in the final process.

5 County counsel is hopefully going to approve  
6 it soon.

7 Q. So it's gone through all the  
8 steps. It's with county counsel now?

9 A. That is correct.

10 Q. When does the budget process  
11 begin, at what point in the year?

12 A. Around May.

13 Q. And when do you typically present  
14 to the executive team your proposed budget?

15 A. I generally present to executive  
16 team early in June.

17 Q. And when is the budget ultimately  
18 usually approved? Is there a timing that's  
19 required for the budget to be approved?

20 A. When you say "ultimately  
21 approved," do you mean by county counsel?

22 Q. Yes.

23 A. About the first week in December.

24 Q. So right now.

25 A. Right now.

1 Q. Is that consistent year to year?

2 A. Yes, it is.

3 Q. In the years that you have been  
4 on SCCS, so half the year for 2016, 2017, and  
5 now 2018, have you operated SCCS under budget  
6 each year, or within the budget each year?

7 A. Yes. Our spending has come in  
8 under budget each year.

9 Q. Do you know whether that was the  
10 case in the years that -- before you came on,  
11 whether the spending had come in under budget  
12 every year?

13 A. Yes, it has, but there is --  
14 there's additional information that I think  
15 is pertinent to understanding why, because --  
16 because of the -- we have to live within the  
17 county financial system. So whatever budget  
18 we get approved by county counsel, that's  
19 what we're approved to spend.

20 So even though we have this cash  
21 carry-forward that we've referred to, we  
22 cannot access those funds unless we go back  
23 to county counsel for a budget adjustment,  
24 similar to the one I mentioned in 2016 where  
25 we had to increase our paid placement budget.

1                   So we're very conservative when  
2                   we budget, because if we cut it too close,  
3                   without going back for a budget adjustment,  
4                   which has to go through the entire process  
5                   that we just discussed, we cannot access  
6                   additional funds. And so we are very  
7                   conservative when we budget.

8                   Q.     When did you go back and ask for  
9                   the paid placement budget adjustment?

10                  A.     That was in -- I think it was in  
11                  November of 2016. We requested an increase  
12                  in paid placement and foster care budget.

13                  Q.     And is that adjustment for that  
14                  one in particular, the paid placement, is  
15                  that an adjustment in just the line item for  
16                  that particular budget expenditure?

17                  A.     Yes. For lack of a better way of  
18                  saying it, it would be an adjustment to that  
19                  line item.

20                  Q.     Can you -- for expenditures, can  
21                  you -- can you essentially move funds around  
22                  to cover if there's going to be additional  
23                  costs necessary for a particular year, or  
24                  does it have to come out of that exact  
25                  budgeted amount for that line item?

1           A.     In the Banner system, we have --  
2           we have pool budgets. So we have seven  
3           different pools that we have money budgeted  
4           in. And that's -- to the County of Summit,  
5           that's the extent of our budget. It's those  
6           seven pools.

7                     If there's money available from  
8           different line items within a pool, we can  
9           move it. But in order to move money from one  
10          pool to the next, we have to ask for a pool  
11          budget adjustment, which has to go to county  
12          counsel and be approved.

13          Q.     Was the paid placement budget  
14          adjustment, was that a pool budget  
15          adjustment?

16          A.     That was -- well, I mean, that  
17          was a full budget adjustment because there  
18          was not money available in the pool to move  
19          money from one line item to the next. So we  
20          just had to increase the pool as a whole in  
21          order to satisfy those costs.

22          Q.     I think you said there were seven  
23          different pools; is that right?

24          A.     There are seven different pools.

25          Q.     What are the seven pools? Are

1           they identified anywhere in the budget that  
2           we can point to?

3                   A.     They're not on our budget. They  
4           may be in -- I mean, I don't -- honestly, I  
5           don't know what has been produced, so I can't  
6           answer that question.

7                   Q.     Okay.

8                           Well, then from your memory, what  
9           are the seven pools?

10                   MR. PENDELL: Objection to form.

11                   THE WITNESS: Thank you.

12                           I don't know that I can give you  
13           all seven. I mean, payroll is a  
14           specific pool. Contract services is a  
15           specific pool. I think facility  
16           services is a specific pool. And then  
17           beyond that, I'm -- I don't know.

18           BY MS. HIBBERT:

19                   Q.     What pool does the paid placement  
20           fall into?

21                   A.     Contract services pool.

22                   Q.     Do foster home expenses fall into  
23           a different pool?

24                   A.     No. Foster home expenses are in  
25           the same pool.

1                   Q.    Are all child-related expenses in  
2                   the same pool?

3                   A.    I don't know that.

4                   Q.    And just looking back at Exhibit  
5                   Number 7 that we marked, the 2017 budget, if  
6                   you can flip to page 23 for me and let me  
7                   know when you're there.

8                   A.    I am.

9                   Q.    So when I say "child-related,"  
10                  I'm looking at the second grouping there  
11                  under "Operational Accounts" on the financial  
12                  statement expenditures form here. And it  
13                  lists out the child-related operational  
14                  accounts' expenditures, including paid  
15                  placements, foster home expense, adoption  
16                  subsidy and expenses, and other  
17                  child-related.

18                  Do you know whether all of those  
19                  fall into the same pool?

20                  A.    I do not. I don't know.

21                  Q.    Have you had to go back and ask  
22                  for any other budget adjustments other than  
23                  the paid placement budget adjustment in  
24                  November of 2016?

25                  A.    Yes.

1 Q. How many other times?

2 A. One other time.

3 Q. What did that entail?

4 A. We needed to adjust our payroll  
5 account in the same year, 2016.

6 Q. Why did you need to adjust the  
7 payroll account?

8 A. Because my predecessor  
9 underbudgeted for payroll expenditures.

10 Q. That's something that is --  
11 should be known year to year, right, how much  
12 the payroll is going to cost?

13 A. Yes.

14 Q. Why was it, in your opinion,  
15 underbudgeted before you came on in 2016?

16 A. It was underbudgeted because,  
17 while we should and we do know what our  
18 payroll costs are going to be generally from  
19 year to year, one of the variants that we  
20 have are retirements.

21 And one of the caveats of the  
22 structure of our system is when somebody  
23 retires, they receive what's called a  
24 vacation and a sick leave payout.

25 So as a result of really not



1 recognizing the potential payout for vacation  
2 and sick leave accrual balances, we came up  
3 short on our payroll account.

4 Q. How short was the payroll account  
5 in 2016? Do you recall?

6 A. Ballpark, \$12,700.

7 Q. The paid placement budget  
8 adjustment that we talked about before, was  
9 that also the result of being underbudgeted  
10 by your predecessor?

11 A. Yes. Again, my predecessor did  
12 not anticipate the increase in costs that we  
13 saw in 2016. And as a result, we were  
14 underbudgeted.

15 Q. Do you recall how underbudgeted  
16 the paid placement budget was when you sought  
17 the adjustment?

18 A. We asked for a \$1.7 million  
19 adjustment increase.

20 Q. For the remainder of 2016?

21 A. Yes.

22 Q. So from November to December, you  
23 anticipated a cost of \$1.7 million for paid  
24 placement for SCCS?

25 A. Yes.

1 Q. Was the \$1.7 million adjustment  
2 also to make up for any deficit that you had  
3 acquired up until November 2016 for the paid  
4 placement budget?

5 A. No, it was not to make up for a  
6 deficit.

7 Q. And were you approved for that  
8 paid placement budget adjustment?

9 A. Yes, we were approved.

10 Q. Did you receive the \$1.7 million?

11 A. Our budget was increased by  
12 \$1.7 million, yes.

13 Q. Where did that money come from,  
14 when the budget was increased at that point  
15 in time?

16 A. That budget adjustment allowed us  
17 to access \$1.7 million of the cash carried  
18 forward.

19 Q. Same with the payroll account  
20 adjustment, around \$12,000 is what you said  
21 was the deficit. Is that what you asked for,  
22 for the adjustment?

23 A. Yes. We did that to the penny.

24 Q. And did you receive that amount  
25 of money as well?

1 A. Yes, we did.

2 Q. Did that come from also the cash  
3 balance carry-forward amount?

4 A. Yes, it did.

5 Q. Any other budget adjustments that  
6 you've asked for during your tenure at SCCS  
7 that we haven't already talked about?

8 A. No. There are no other  
9 adjustments.

10 Q. What is the STARS program?

11 A. My understanding of the STARS  
12 program is that we employed recovery coaches  
13 to work with individuals in the community who  
14 were struggling with substance abuse issues.

15 Q. Do you have any knowledge as to  
16 the details of how that program worked on a  
17 day-to-day basis?

18 A. I do not.

19 Q. If you can turn back to  
20 Exhibit 7, the 2017 budget, on page 3,  
21 there's some discussion about the STARS  
22 program. Let me know when you're there.

23 A. I am.

24 Q. And it says there in -- I think  
25 it's the second paragraph:

1                    "We're entering the final year  
2                    of a five-year federal grant for  
3                    the STARS program, which has  
4                    provided \$500,000 each year to  
5                    address substance abuse in  
6                    families through assessment and a  
7                    variety of services."

8                    Is that the amount that was  
9                    provided through the federal STARS grant each  
10                   year, \$500,000?

11                   A.    Yes.    The grant award was  
12                   \$5,000 -- \$500,000 annually.

13                   (Summit County Children Services,  
14                   Adjusted Budget Summary, Bates  
15                   SUMMIT\_001463636 through  
16                   SUMMIT\_001463637, marked as  
17                   Deposition Exhibit 8.)

18                   BY MS. HIBBERT:

19                   Q.    I'll show you what's been marked  
20                   as Exhibit Number 8.

21                   I asked that question because  
22                   there's a little bit of, I think, discrepancy  
23                   in a couple of different spreadsheets, and I  
24                   wanted to clarify that.

25                   Have you seen the document that

1 I've marked as Exhibit 8 before?

2 A. Yes, I believe I have.

3 Q. And this is the adjusted budget  
4 summary, for the record, Bates-labeled  
5 1463636.

6 Did you put this together  
7 yourself?

8 A. No. This was probably a  
9 collaboration between myself and Bob King.

10 Q. Did you ask him to put it  
11 together?

12 A. I would be certain that I asked  
13 him to assist me in pulling this information  
14 together, yes.

15 Q. And do you recall why you wanted  
16 to pull this information together?

17 A. Well, this appears to be the  
18 document that we pulled together for the  
19 budgets that were requested by counsel.

20 Q. So when we spoke earlier about  
21 the budget spreadsheets that you believe you  
22 collected and produced or turned over for  
23 years 2008 to 2017, you think that this chart  
24 that we're looking at, Exhibit Number 8,  
25 reflects that information that are on those

1           spreadsheets or is the actual document that  
2           you turned over?

3                   A.     I'm sorry, I --

4                   Q.     Sure.

5                           We spoke earlier about budget  
6           spreadsheets for the years 2008 to 2017 that  
7           you think you collected and turned over.

8                           Do you remember that?

9                   A.     Yes.

10                   Q.    Were those separate spreadsheets  
11           from what we're looking at here, Exhibit  
12           Number 8, or do you believe that this is the  
13           document that you turned over?

14                   A.    Yes. I believe this is the  
15           document that we turned over.

16                   Q.    So there weren't separate  
17           spreadsheets for each year, 2008 to 2017, for  
18           the budgets for those years?

19                   A.    Not that I recall.

20                   Q.    So this here, Exhibit Number 8,  
21           is the only document that you collected and  
22           turned over in relation to this litigation,  
23           correct?

24                   A.    To the best of my knowledge, yes.

25                   Q.    Was this document -- did it exist

1           before -- strike that.

2                       Did you create this document to  
3           be turned over for the litigation?

4           A.     This document existed in some  
5           variant to this. I mean, it might not have  
6           looked specifically like this, but we keep  
7           some historical record of budgets that  
8           appears to be very similar to this.

9           Q.     And the historical record of the  
10          budgets that SCCS keeps, are those maintained  
11          in an electronic system?

12          A.     Yes.

13          Q.     And are those maintained in a way  
14          that you would be able to pull up information  
15          for each one of the years pertaining to the  
16          budget?

17          A.     I think, if I'm understanding  
18          correctly, yes, we could look at each  
19          individual, similar to this, yes.

20          Q.     Is there a reason why you didn't  
21          collect those individual historical documents  
22          pertaining to the budgets as opposed to  
23          providing information in a summary form, as  
24          reflected in Exhibit 8?

25                       MR. PENDELL: Objection to form.

1 THE WITNESS: I'm sorry. Can you  
2 restate the question?

3 BY MS. HIBBERT:

4 Q. Sure.

5 Is there a reason why you didn't  
6 collect those individual historical documents  
7 reflecting the budgets year to year as  
8 opposed to including this information in one  
9 document reflected as Exhibit 8?

10 A. No specific reason that I can  
11 recall.

12 Q. If we were -- if we wanted to  
13 confirm the numbers set forth in Exhibit 8,  
14 the budget numbers with the historical --  
15 with the actual information pertaining to the  
16 budgets from year to year, we would have to  
17 look back at those historical documents,  
18 correct?

19 A. I don't know that I understand  
20 the question.

21 Q. Sure.

22 MR. PENDELL: Well, let me object  
23 to the form, then.

24 BY MS. HIBBERT:

25 Q. If I wanted to confirm whether a



1           number here provided for, let's say, the 2015  
2           budget was correct and that was the actual  
3           budgeted amount for that year, I would have  
4           to look back at the historical documents that  
5           you discussed to ascertain that information,  
6           correct?

7                       MR. PENDELL:   Objection to form.

8                       THE WITNESS:   If I understand,  
9                       yes, you could.

10           BY MS. HIBBERT:

11                       Q.   We turned to this document  
12           originally to talk about the STARS grant.  
13           And you can see here on the federal funds  
14           line items, the STARS grant is listed on the  
15           last line there of Exhibit 8.

16                       Do you see that?

17                       A.   I do.

18                       Q.   And it appears that the STARS  
19           grant -- the first grant that was received  
20           was in 2013; is that correct?

21                       A.   That's what's reported, yes.

22                       Q.   And it's reported that in 2013,  
23           there was a \$500,000 grant received or at  
24           least budgeted, correct?

25                       A.   Yes.   These are budgeted amounts.

1           Q.    So this document here isn't  
2           reflecting the actual monies received.  These  
3           are just the monies that were budgeted to be  
4           received, correct?

5           A.    That is correct.

6           Q.    And same with the second page of  
7           this document listing out the expenditures.  
8           These aren't the actual expenditures for any  
9           given year.

10                  These are the budgeted  
11           expenditures, correct?

12           A.    Yes.  That is correct.

13           Q.    The STARS grant budget  
14           information from 2014, 2015, 2016, 2017,  
15           reflect a \$450,000 budgeted amount.  Do you  
16           know why there was a difference between 2013  
17           and those other years?

18           A.    The STARS grant was very slow to  
19           get started in the early years.  For whatever  
20           reason, the grant participants, manager  
21           within our department, may not have done the  
22           greatest job of getting the grant off the  
23           ground.

24                  And so, you know, the 2014, 2015,  
25           2016 revenues, you know, were likely based on

1 the fact that, you know, the previous deputy  
2 director of finance didn't anticipate  
3 accessing the \$500,000.

4 Because the federal government  
5 didn't just give us \$500,000. We had to  
6 perform services, make payment, and then  
7 claim grant expenses in order to get the  
8 money back.

9 Q. That's what you've referred to  
10 before previously as being a reimbursement  
11 system, right?

12 A. That is an example of a  
13 reimbursement system, yes.

14 Q. And in the reimbursement system,  
15 you have to spend the money and then request  
16 reimbursement through these various revenue  
17 sources; is that right?

18 A. Yes. That is correct.

19 Q. What's the time lag between, you  
20 know, spending the money and requesting  
21 reimbursement and getting paid on those  
22 requests?

23 A. For our Title IV-E funds, the  
24 time lag is three months. Actually, it's six  
25 months, so we have to report our federal IV-E

1 expenditures quarterly. They go to the  
2 state. The state sends them to the Feds, and  
3 it takes the Feds another three months for  
4 them to process. So it's actually a  
5 six-month lag time for our federal IV-E  
6 funds.

7 For something like the STARS  
8 grant, you know, I can make -- I could make  
9 draw requests on a monthly basis. You could,  
10 but we chose to do it quarterly, so we  
11 received reimbursement for that grant on a  
12 quarterly basis.

13 Q. How about all the other funding  
14 sources? Are they -- do they vary in the  
15 reimbursement schedule, if you will?

16 A. All of the IV-E funding  
17 sources -- no, not all of them -- are Title  
18 IV-E, other institutional, or Title IV-E,  
19 foster care maintenance. We receive those on  
20 a monthly basis, but there is a lag time, you  
21 know. Basically, they're running about a  
22 month behind. So there is a lag on those.

23 Q. In the time that you've been at  
24 SCCS, have you ever requested for  
25 reimbursement and not received the full

1 amount that you requested?

2 A. Not to my knowledge, no.

3 Q. And who is in charge of making  
4 those requests for reimbursement?

5 A. The requests for reimbursement  
6 are actually run through our  
7 state-administered financial system. It's  
8 called CFIS. It's the County Financial  
9 Information System, CFIS.

10 You know, individuals,  
11 Kathy VanHoose, who is an account specialist,  
12 enters data. You know, it's gathered at the  
13 end of each month. And I ultimately approve  
14 it.

15 And then we do what's called  
16 consolidate, where we send the information to  
17 the state of Ohio, and they make the claim.

18 Q. Now, we were talking earlier  
19 about the documents that we would need to  
20 look back to to confirm that these budgeted  
21 amounts were correct. And I think we  
22 referred to them as historical documents.

23 Do those documents have a name or  
24 a title?

25 A. No.

1 Q. Are there particular documents  
2 that you have in mind that would reflect the  
3 actual budgeted amount for each year?

4 A. No. I mean, other than our  
5 budget book or this document.

6 Q. Would the budget book then -- let  
7 me ask it this way. Was a budget book  
8 prepared for every year, as far as you know?

9 A. As far as I know, yes.

10 Q. So if we went back and compared  
11 the budget book to these numbers, they should  
12 reflect the same numbers?

13 A. Yes, they should.

14 Q. So one trend that I noted from  
15 the adjusted budget summary that you put  
16 together in Exhibit 8 is that, consistent  
17 with what I think we've talked about before,  
18 from 2008 until 2018, reflected in this  
19 chart, generally the trend has been a  
20 reduction or decrease in the total amount of  
21 revenues received by SCCS; is that correct?

22 A. Yes. That would be correct.

23 Q. And I believe you testified  
24 earlier that you expect that there will be a  
25 bump starting in 2020 due to the increase in

1 tax levy; is that right?

2 A. That is correct.

3 Q. And do you actually expect the  
4 total budgeted revenue amount for 2020 to  
5 increase above what it is currently budgeted  
6 for 2019?

7 A. Yes. I would expect that total  
8 revenue amount to increase.

9 Q. Is the current budgeted revenue  
10 total for 2019 more than the total budgeted  
11 revenue for 2018?

12 A. Yes. I think there is a slight  
13 increase in revenue anticipated.

14 Q. Now, same trend for the  
15 expenditures on the next page of Exhibit 8.  
16 Over time, as reflected in this document,  
17 from 2008 to 2018, generally the expenditures  
18 have been on a downward trend. Fair?

19 A. Yes, from '08 to -- I would say  
20 it looks like somewhere around '14, we saw  
21 decreases, and then generally an increase  
22 from '15 to '18.

23 Q. And still in 2018, this budget  
24 expenditure amount just over \$52 million is  
25 less than the budgeted expenditure amount for

1           2008, being just over 54 million, correct?

2                   A.    Yes.    That is correct.

3                   Q.    And is the same true for the 2019  
4           budgeted expenditure amount?  Is that  
5           still -- do you know what has been budgeted  
6           for the 2019 expenditure amount?

7                   A.    I would have to guess at it.  I  
8           know approximately.

9                   Q.    Has the budgeted expenditure  
10          amount for 2019 gone down for the budgeted  
11          amount for 2018?

12                  A.    No, it has not.

13                  Q.    Has there been any assessment  
14          performed as to what caused the decrease in  
15          expenditures from 2008 to approximately 2015?

16                  A.    Yes, there has been some analysis  
17          done.

18                  Q.    And what has that analysis shown?

19                  A.    Well, the analysis -- the  
20          analysis showed a couple of different factors  
21          contributed to the decrease in costs, one of  
22          which was that we significantly -- well, we  
23          reduced staff from 2008, I think, until  
24          around 2012, where we leveled off.

25                        Additionally, SCCS did what was



1       called a buyout. So for individuals that  
2       were close to retirement, we have the ability  
3       to buy their last, you know, year or two of  
4       retirement credit. It essentially moves high  
5       wage earners off the payroll and replaces  
6       them with lower wage earners. So they did a  
7       buyout.

8               The County of Summit also changed  
9       the healthcare program somewhere I believe  
10      around 2011, 2012, where they eliminated one  
11      of the more expensive healthcare options, and  
12      that helped to decrease costs as well.

13             Q.    The reduction in staff that you  
14      mentioned in 2008 to 2012, was that done by  
15      layoffs?

16             A.    I don't specifically know.

17             Q.    So you wouldn't know if there  
18      were any particular departments or divisions  
19      within SCCS that experienced more layoffs  
20      than another?

21             A.    I do not.

22             Q.    Do you know whether the staffing  
23      levels have recovered from the reduction in  
24      the 2008 to 2012 time period or whether  
25      they've stayed the same since then?

1 MR. PENDELL: Objection to form.

2 THE WITNESS: Our staffing level  
3 has moderated over the last several  
4 years. I think we have been in the  
5 range of 300 to 330 employees for the  
6 last four or five years.

7 BY MS. HIBBERT:

8 Q. Going back to the 2017 budget  
9 marked as Exhibit Number 7, we've looked now  
10 at the total budgeted amounts for the STARS  
11 program.

12 I want to look now to the amounts  
13 of actual spend for those programs on  
14 page 22.

15 A. Okay.

16 Q. Let me know when you're there.

17 A. Okay. I'm there.

18 Q. So we have the actual numbers of  
19 spend for the STARS grant in 2013, 2014, and  
20 2015. And the numbers here reflect that the  
21 spend was not the entire grant; is that  
22 correct?

23 A. Yes. They did not expend the  
24 entire amount of the grant.

25 Q. Do you know why that's the case

1 in these years, 2013, '14, or '15, why the  
2 entire grant allocation was not spent on the  
3 STARS program?

4 A. I do not know.

5 Q. Do you know if in the past, say  
6 2017 and coming up now 2018, have as  
7 to -- strike that.

8 In 2017, did SCCS spend the  
9 entire grant money allocated for the STARS  
10 program?

11 A. Yes, we did.

12 Q. On page 4 of Exhibit 7, the 2017  
13 budget -- if you can flip to that.

14 A. Okay.

15 Q. Did you have any part in drafting  
16 any of the narrative part of the Exhibit  
17 Number 7, the budget report?

18 A. No, I did not.

19 Q. About halfway down on page 4,  
20 maybe a little bit more than halfway down, it  
21 starts with "Please note." Do you see that  
22 little inset paragraph there?

23 A. Yes, I do.

24 Q. It says:

25 "SCCS is monitoring a trend of

1 increasing custody numbers that  
2 began in late 2015 and overall  
3 continued throughout the first  
4 half of 2016. Analysis of cases  
5 suggests that, at least in part,  
6 this increase is linked to the  
7 heroin epidemic and other  
8 substance abuse within  
9 Summit County."

10 Have you seen that before?

11 MR. PENDELL: Objection to form.

12 THE WITNESS: Have I seen this  
13 statement before?

14 BY MS. HIBBERT:

15 Q. Yes.

16 A. No, I have not.

17 Q. Do you have any knowledge as to  
18 an increase in custody numbers that began in  
19 late 2015?

20 A. Yes.

21 Q. And had you heard before that  
22 this increase was linked to the heroin  
23 epidemic and other substance abuse within  
24 Summit County?

25 A. I don't understand. Before --

1 I'm sorry. I don't understand your question.

2 Q. Had you heard that before, that  
3 the increase in custody numbers that began in  
4 2015 was linked to the heroin epidemic and  
5 other substance abuse within Summit County?

6 MR. PENDELL: Objection, form.

7 THE WITNESS: I knew of the  
8 increase in custody numbers. As I said,  
9 I arrived at the agency in late 2015 --  
10 was it late 2015? No, I'm sorry,  
11 mid-2016 I arrived at the agency.

12 And so at that point in time, my  
13 only knowledge would really be based  
14 upon conversation in our executive team  
15 meetings where, you know, Julie Barnes  
16 would, you know, be talking about, you  
17 know, the increase in custody numbers  
18 and the drivers behind that.

19 BY MS. HIBBERT:

20 Q. And did she speak about one of  
21 the drivers being this heroin epidemic?

22 A. I don't know that I ever recall  
23 her saying "heroin" specifically.

24 Q. Do you know who drafted the  
25 language in this budget report marked as

1 Exhibit 7?

2 A. I do not know who drafted this  
3 language.

4 Q. Do you know who took part in  
5 drafting any part of the budget report marked  
6 as Exhibit 7?

7 A. Yes. Obviously, Director Barnes  
8 put together part of this, and there's a  
9 financial narrative, I think, that sits in  
10 front of the budget, that I completed.

11 But aside from that, I don't know  
12 who contributes.

13 Q. What financial narrative are you  
14 referring to? What page are you on?

15 A. Sure. That would be page 18, 19,  
16 and 20.

17 Q. So starting with the  
18 Summit County Children Services preliminary  
19 2017 operating budget forward, this part  
20 is -- was it drafted primarily by you?

21 A. Yes. This was written by me.

22 Q. And all of the spreadsheets that  
23 we've been referring to on pages 22 and 23,  
24 those were all generated by you and drafted  
25 by you as well?

1 A. Myself and Bob King.

2 Q. And the same with all of the  
3 spreadsheets that carry on through -- let's  
4 see -- page 32. Did you participate in  
5 drafting all of those spreadsheets?

6 A. Yes. I participated in drafting  
7 those.

8 Q. I'm going to ask you to flip to  
9 page 14.

10 A. Okay.

11 Q. Did you help draft any of these  
12 or put together these charts that are  
13 included on pages 14, 15, and 16?

14 A. No. I had no part in the  
15 creation of these charts.

16 Q. Do you know who did create them?

17 A. Not specifically, I do not.

18 Q. Looking specifically at the  
19 monthly average number in children in  
20 custody, this first chart on the top of  
21 page 14 -- do you see that?

22 A. Yes, I do.

23 Q. Have you ever seen that chart  
24 before?

25 A. Yes, I have seen this chart

1 before.

2 Q. And generally, this depicts that  
3 the monthly average number of children in  
4 custody, although increasing slightly in the  
5 past few years reflected on this chart, is  
6 down substantially still from a decade ago.  
7 Is that fair?

8 A. Yes. That is what the chart  
9 represents, yes.

10 Q. In 2007, the chart represents  
11 that there was a -- 1,057 was the number, the  
12 monthly average number for children in  
13 custody.

14 Do you see that?

15 A. Yes, I do.

16 Q. Versus the last year here in this  
17 chart, 2015, down to 601, correct?

18 A. Yes. That's correct.

19 Q. Do you know what the average  
20 monthly number of children in custody is for  
21 2018?

22 A. As of Monday, our children in  
23 custody was 821.

24 Q. Do you know whether that reflects  
25 the monthly average number for that year, or



1 is that just the number that it was that day?

2 A. That would be the number of  
3 children that we had in custody as of Monday.

4 Q. Again, do you know what the  
5 monthly average number of children in custody  
6 is for 2018 thus far?

7 A. I would have to guess.

8 Q. Do you know what the monthly  
9 average number of children in custody was for  
10 2017?

11 A. I don't recall. I would have to  
12 guess.

13 Q. Not above 800, to your  
14 recollection?

15 MR. PENDELL: Objection to form.

16 THE WITNESS: To my recollection,  
17 no, it was not greater than 800.

18 BY MS. HIBBERT:

19 Q. Still lower than it was a decade  
20 ago; is that fair?

21 MR. PENDELL: Objection to form.

22 THE WITNESS: Yes. It would be  
23 lower than a thousand.

24 MR. PENDELL: Are we moving on to  
25 a new document?

1 MS. HIBBERT: Yes.

2 MR. PENDELL: We've been going  
3 for over an hour. Is now a good time to  
4 take a break?

5 MS. HIBBERT: Sure.

6 MR. PENDELL: Thank you.

7 THE VIDEOGRAPHER: Off the  
8 record, 2:59.

9 (Recess taken.)

10 THE VIDEOGRAPHER: On the record,  
11 3:24.

12 BY MS. HIBBERT:

13 Q. Mr. Kearns, we've been going for  
14 a good bit of the day at this point. Is  
15 there any testimony that you feel like you  
16 need to correct or clarify that you've given  
17 thus far today?

18 MR. PENDELL: Objection to form.

19 THE WITNESS: None that I can  
20 think of, no.

21 BY MS. HIBBERT:

22 Q. We had discussed a little bit --  
23 before going off the record, a little bit  
24 about the STARS program.

25 Do you recall that testimony?

1                   A.     I do, yes.

2                   Q.     And you had mentioned that you  
3                   felt that -- or it was your impression that  
4                   the manager in charge of the STARS program  
5                   when it was first initiated in 2013 didn't do  
6                   the greatest job of getting it off the  
7                   ground.

8                             Do you remember that testimony?

9                   A.     I do.

10                  Q.     What did you mean by that?

11                  A.     Again, I should point out that  
12                  the STARS grant began before I was employed  
13                  by Summit County Children Services. But my  
14                  understanding is that they just had a  
15                  difficult time getting the recovery coaches  
16                  in place and really getting the grant up and  
17                  running, getting it off the ground. It was  
18                  just, you know, slow out of the gate, so to  
19                  say.

20                  Q.     Who was in charge of running the  
21                  STARS program at that point in 2013?

22                  A.     I know who was in charge when I  
23                  arrived. I don't know if that individual  
24                  changed or not.

25                  Q.     Who was in charge when you

1 arrived in 2016?

2 A. Her name was Beth Kinney.

3 Q. Do you know how long she's been  
4 employed with Summit County?

5 A. I do not.

6 Q. Do you know how much money was  
7 spent by SCCS with regard to the STARS  
8 program that was specifically spent  
9 addressing opioids?

10 A. We have no specific data that  
11 would isolate those costs.

12 Q. There's no specific data that  
13 would tell us that this STARS money was spent  
14 addressing this particular type of drug; is  
15 that correct?

16 MR. PENDELL: Objection to form.

17 THE WITNESS: We don't have that  
18 data currently. I'm uncertain whether  
19 or not it could be gathered from the  
20 case files or not.

21 BY MS. HIBBERT:

22 Q. So fair to say, then, we couldn't  
23 go back and ascertain from the case files  
24 whether specific STARS money was spent to  
25 address prescription opioid misuse?

1 MR. PENDELL: Objection to form.

2 THE WITNESS: No. I can't say  
3 that I would agree with that. I don't  
4 know what's in the case file and what is  
5 not.

6 BY MS. HIBBERT:

7 Q. From what you know sitting here  
8 today, as the deputy director for SCCS  
9 Financial Services, do you know of any way to  
10 ascertain information as to what specific  
11 drugs or drug issues were addressed through  
12 use of STARS funds?

13 A. Short of reviewing the case  
14 files, I don't know of any other way to  
15 ascertain that information.

16 Q. And through review of the case  
17 files, would that tell you whether there were  
18 specific STARS funds spent on that case or  
19 the services provided in that case?

20 MR. PENDELL: Objection to form.

21 THE WITNESS: This is only my  
22 personal opinion, but I would see that  
23 review of the case file as the only way  
24 to ascertain whether or not the client  
25 had a substance-abuse issue related

1                   directly to opioids.

2           BY MS. HIBBERT:

3                   Q.     And that assessment hasn't been  
4           done, as far as you know?

5                   A.     As far as I know, it has not.

6                   Q.     Just because an individual has a  
7           substance-abuse problem related to opioids,  
8           that doesn't mean that there were any STARS  
9           funds directly spent on services provided to  
10          children in that family situation, correct?

11                  A.     Repeat it one more time, please.

12                  Q.     Sure.

13                         Just because an individual has a  
14           substance-abuse problem related to opioids,  
15           that doesn't mean that there was any -- or  
16           there were any STARS funds spent directly  
17           related to services for children in that  
18           situation?

19                         MR. PENDELL:   Objection to form.

20                         THE WITNESS:   I don't know.

21           BY MS. HIBBERT:

22                   Q.     Did you request year to year the  
23           total amount of STARS grant funds from the  
24           federal government?

25                   A.     The grant itself was awarded for

1 a five-year period, with a maximum amount of  
2 funding of \$500,000 per year. We also had to  
3 match those funds with local dollars.

4 Q. What was the matching rate?

5 A. The matching rate was indexed  
6 over the life of the grant. It started at  
7 15 percent for the first two years, I  
8 believe. Second two years were 20 percent,  
9 and the last year was 25 percent.

10 Q. In the expenditure -- I'm sorry,  
11 the revenue -- strike that.

12 Where would that information as  
13 to how much was matched out of the local  
14 funds, where would that be included? Is that  
15 on the revenue side or the expenditure side  
16 of the spreadsheets we've been looking at in  
17 the budget plans?

18 A. The match itself would not be  
19 specifically identified in the line item.  
20 You know, we look at local match as salary  
21 for the coordinator, you know, overhead  
22 costs, to, you know, keep the lights on, you  
23 know, run the computer system, to facilitate  
24 the grant-running.

25 So our matching dollars would be

1           comingled in several different line items.

2                   Q.    Of the revenue or the expenditure  
3 side?

4                   A.    It would be on the expenditure  
5 side.

6                   Q.    And the local matching funds,  
7 where are they coming from?

8                   A.    Local matching funds would come  
9 from our budgeted expenditure amounts.

10                  Q.    Do you still have Exhibit  
11 Number 7 in front of you?

12                  A.    Which would that be?

13                  Q.    That's the 2017 budget. I think  
14 that's the one you have right in front of  
15 you.

16                  A.    Yes, I do.

17                  Q.    Can you turn to page 27?

18                  A.    Yes.

19                  Q.    Okay.

20                           This page here, page 27 of  
21 Exhibit 7, this is the financial statement  
22 for expenditures identifying grant-specific  
23 expenses.

24                           The local matching that we were  
25 just discussing, is that included in these



1 line items?

2 A. No. Again, the matching expenses  
3 would be interspersed in several different  
4 line items from payroll to supplies to  
5 utilities. That's how we matched.

6 Q. What is a grant-specific expense?

7 A. Grant-specific expenses, as  
8 identified on this page, you know, were  
9 essentially those expenses that we identified  
10 that could be attributed specifically to a  
11 STARS grant and/or any other grant that we  
12 might have at that given point in time.

13 Q. So for here in the 2017 budget  
14 for these expenditures, is there any  
15 expenditures in the grant-specific expenses  
16 that are specific to the STARS program or the  
17 STARS grant?

18 A. In grant-specific expenses?

19 Q. Correct.

20 A. Yes.

21 Q. Which ones?

22 A. Well, at the bottom, the last  
23 line in grant-specific expenses, where it  
24 says "grant-specific expense," that's where  
25 our STARS grant expenditures would lie.

1                   Q.    Is that always the case year to  
2                   year, that the grant-specific expense line  
3                   item represents the expenditures for the  
4                   STARS grant?

5                   A.    The STARS grant and other expense  
6                   items as well, yes.

7                   Q.    What other expense items fall  
8                   within that catchall line item  
9                   "grant-specific expenses" in the  
10                  grant-specific expenses chart?

11                  A.    I don't know that I could -- I  
12                  don't know.

13                  Q.    What does that mean to be a  
14                  grant-specific expense specific to the STARS  
15                  grant? That's not the grant money that  
16                  you've spent and sought reimbursement for,  
17                  correct?

18                  A.    Yes, it is, because we had  
19                  contracted services for, like, you know, the  
20                  recovery coaches. That would be considered a  
21                  grant-specific expense.

22                  Q.    So the grant-specific expense  
23                  line item here on page 27 of Exhibit 7 for  
24                  the years 2013, '14, and '15, well exceeds  
25                  \$500,000, yet we know from our previous

1 discussion that SCCS sought reimbursement for  
2 under \$500,000 in each of the years through  
3 the STARS grant. How do you explain that  
4 difference?

5 (Reported requested  
6 clarification.)

7 A. Well, there are several other  
8 expenses that are reported in that  
9 grant-specific line item.

10 Q. So we wouldn't be able to  
11 ascertain the exact amount expended specific  
12 to the STARS grant under the grant-specific  
13 expense line item just by looking at this  
14 chart, correct?

15 A. That would be correct.

16 Q. Is there a way that we would be  
17 able to determine the amount of expenses  
18 expended related to the STARS grant?

19 A. Yes.

20 Q. How would that be done?

21 A. The easiest way to do it would be  
22 to look -- and as odd as it sounds, would be  
23 to look at the revenues.

24 Q. So the actual amount expended  
25 under the revenue page, page 22 for the STARS

1 grant, reflects the same amounts for the  
2 expenditures for the STARS grant; is that  
3 fair?

4 A. It would -- it would -- that  
5 would represent the federal dollars that we  
6 expended and then received back, yes.

7 Q. The local matching dollars, are  
8 those included in the grant-specific expenses  
9 line item on page 27?

10 A. Not necessarily, no. Again, they  
11 are interspersed between payroll and benefits  
12 and --

13 Q. Are any other expenses other than  
14 the expenses that are ultimately reimbursed  
15 through the federal grant reflected in the  
16 grant-specific expense for the STARS grant on  
17 page 27?

18 A. I'm sorry. I don't understand.

19 MR. PENDELL: Objection.

20 BY MS. HIBBERT:

21 Q. Aside from the money spent under  
22 the STARS program that's reimbursed by the  
23 federal STARS grant, and the local matching  
24 dollars, are there any other expenditures for  
25 the STARS program that would be reflected

1 anywhere on the expenditures chart?

2 A. Other than those which we've  
3 discussed, with the matching funds being  
4 interspersed, no.

5 Q. Okay.

6 Were you involved in the -- I  
7 don't know if it was a reapplication or an  
8 application for a second STARS grant in 2017?

9 A. I was involved in requesting an  
10 extension utilizing unspent grant dollars  
11 from the previous five years.

12 Q. And from the previous five years,  
13 being 2013 to -- or would it be? I guess it  
14 was only up until 2017 at that point,  
15 correct?

16 A. Yes, five years.

17 Q. Do you know what the total amount  
18 of unspent grant dollars were for those four  
19 years?

20 A. It was approximately 480 --  
21 \$485,000.

22 Q. And did the grant money that went  
23 unspent year to year, did that carry over to  
24 the next year or not?

25 A. No, it did not.

1           Q.    So the extension that you sought  
2           in 2017, that was to utilize the unspent  
3           money that did not carry over from those  
4           years, 2013 to 2017, correct?

5           A.    Yes, that is correct, so we could  
6           utilize the unspent grant funds from previous  
7           years.

8           Q.    What was that extension  
9           request -- what did that entail?

10          A.    My responsibility was essentially  
11          to calculate the unspent grant amount. That  
12          was the extent of my responsibility.

13          Q.    Did you participate in drafting  
14          any forms or submissions for that extension?

15          A.    No, I did not.

16          Q.    Do you know who was responsible  
17          for putting together the package for that  
18          extension?

19          A.    I believe Kevin Brown was  
20          responsible for putting together that packet.

21          Q.    And what was Kevin Brown's title?

22          A.    I don't know.

23          Q.    Do you know what department he  
24          was in?

25          A.    I believe he works in quality

1 improvement -- worked.

2 Q. He's deceased now, correct?

3 A. He is.

4 Q. And when did he pass away? Do  
5 you know?

6 A. No. I want to say 2017, but I  
7 don't know when.

8 Q. Now, the extension request was  
9 submitted, to your knowledge, in 2017,  
10 correct?

11 A. Yes. So Kevin probably passed in  
12 2018, but I'm a little foggy on that.

13 Q. I'm not going to hold you to  
14 that.

15 Do you know whether or not SCCS  
16 received the approval for the extension  
17 request?

18 A. Yes, we did.

19 Q. You did.

20 When did you receive that  
21 approval?

22 A. I don't recall specifically when  
23 we received it, but it was late 2017.

24 Q. The extension request, is that  
25 different than what I've seen referenced as a

1 Regional Partnership Grant 4?

2 A. I don't know.

3 Q. You don't ever recall hearing  
4 that, a regional partnership grant?

5 A. I think the STARS grant was  
6 referred to that. That RPG4 sounds familiar,  
7 but I'm not certain.

8 Q. The \$485,000 carryover funds,  
9 have those been incorporated into -- were  
10 those incorporated into the budget for 2018?

11 A. Yes, they were.

12 Q. Was SCCS already supposed to  
13 get -- were they already awarded grant money  
14 for 2018 under the five-year period of the  
15 original grant approval?

16 A. Were we supposed to get money in  
17 '18 under the original? Is that the  
18 question?

19 Q. Right. The grant was set to  
20 expire in 2017; is that right?

21 A. The grant was set to expire in  
22 2017. We knew that we had made the request  
23 to expend the unused funds, so because of the  
24 budgetary process that, you know, we've  
25 discussed earlier, if we don't budget for it,



1           then we can't spend it. So we went ahead and  
2           added it into the 2018 budget, really before  
3           we knew whether or not we were going to  
4           receive the extension.

5                       (Summit County Children Services  
6                       2018 Budget, Bates  
7                       SUMMIT\_000990286 through  
8                       SUMMIT\_000990324, marked as  
9                       Deposition Exhibit 9.)

10          BY MS. HIBBERT:

11                 Q.    I'm going to show you what I'm  
12                 marking as Exhibit Number 9.

13                 A.    Thank you.

14                 Q.    Do you recognize that document?

15                 A.    Yes, I do.

16                 Q.    This is the 2018 budget, for the  
17                 record, Bates Number 990286.

18                       Did you take part in the  
19                 preparation of this document?

20                 A.    Yes, I did.

21                 Q.    Turning to page 19 of the 2018  
22                 budget marked as Exhibit 9 -- let me know  
23                 when you're there.

24                 A.    I am.

25                 Q.    The STARS grant revenue budget

1           for 2018 reflects an amount of \$600,000.

2                       Do you see that?

3           A.     I do.

4           Q.     How do you reconcile that  
5           budgeted amount with what we've discussed so  
6           far being that in 2018, SCCS was seeking only  
7           the extension of the carryover fees of  
8           \$485,000?

9           A.     The reason for the  
10          \$600,000 amount is because, as we explained  
11          or talked about earlier, the budget process  
12          begins in May. And really, by the time the  
13          budget leaves our building -- by the time we  
14          get through our resource committee, it's  
15          July.

16                       So essentially, we base that  
17          number upon unused funds that were identified  
18          in the previous years, and then basically a  
19          conservative view of where we're going to  
20          spend all of the 2017 money. We didn't know  
21          if we were or were not, so we included -- we  
22          went for 600,000 when the amount, just  
23          glancing through here, was actually 445.

24          Q.     So you ended up spending more in  
25          2017 of the STARS grant 2017 money than you

1 had anticipated in early 2017 when this  
2 budget was being prepared; is that fair?

3 A. That is correct. We spent out  
4 the entire grant amount in 2017.

5 Q. Do you know why SCCS didn't apply  
6 for another five-year STARS grant?

7 A. I do not know.

8 Q. Were you part of any discussions  
9 or conversations about whether or not SCCS  
10 would apply for another five-year STARS  
11 grant?

12 A. I was not party to those  
13 conversations.

14 Q. Did you ask anyone why you were  
15 only seeking an extension as opposed to a new  
16 grant?

17 A. No, I did not.

18 Q. Do you have any information as to  
19 the success of the STARS program under SCCS?

20 A. I do not.

21 Q. And is it your understanding that  
22 the STARS program will no longer operate in  
23 2019?

24 A. It is my understanding that we  
25 are going to continue with the recovery

1 coaches and they will be paid for under the  
2 Start grant that I had mentioned earlier.

3 Q. Start, not STARS? It's a new  
4 grant?

5 A. Start, S-t-a-r-t, yes.

6 Q. And were you involved in the  
7 application process for that Start grant?

8 A. No, I was not.

9 Q. Do you know when SCCS obtained  
10 approval for that Start grant?

11 A. I know that we presented it to  
12 our board this month for them to approve us  
13 accepting the grant.

14 Q. Do you know how it came about  
15 that the grant money was offered to SCCS?

16 A. I do not.

17 Q. Do you know what amount has been  
18 promised for that Start grant for SCCS?

19 A. I would be guessing at the  
20 amount.

21 Q. Is that not included in the 2019  
22 budget?

23 A. It is not.

24 Q. Why not?

25 A. Because when the 2019 budget was

1           created, we had no information related to the  
2           Start grant. We didn't know that it was  
3           coming.

4                   Q.    And do you anticipate that the  
5           Start grant money will be received in 2019?

6                           MR. PENDELL:  Objection to form.

7                           THE WITNESS:  I would anticipate,  
8           yes.

9           BY MS. HIBBERT:

10                   Q.   How much do you anticipate  
11           receiving in 2019?

12                   A.   Again, I don't know. I don't  
13           recall what the total grant amount is.

14                   Q.   And you don't recall per year  
15           what you're expecting to receive from that  
16           grant?

17                   A.   I do not.

18                   Q.   Do you know if it's a  
19           year-to-year grant or does it have a  
20           several-year term?

21                   A.   I don't know.

22                   Q.   Do you have any other information  
23           about the Start grant other than we've  
24           already talked about?

25                   A.   No. Information -- detailed

1 information hasn't been provided to me about  
2 the Start grant as of yet.

3 Q. Who would have information about  
4 the Start grant?

5 A. Julie Barnes.

6 Q. And you said you just presented  
7 that to your board of trustees recently?

8 A. I did not present it, but it was  
9 presented to the board, yes.

10 Q. And how do you know it was  
11 presented to the board?

12 A. I was in the meeting.

13 Q. Great.  
14 Who presented it to the board  
15 then?

16 A. I believe Amy Davidson.

17 Q. What's her title?

18 A. She's the deputy director of  
19 social services.

20 Q. Did she present on what the total  
21 amount will be for the Start grant?

22 A. She did, but, boy, I can't  
23 remember.

24 Q. That's okay. There are meeting  
25 minutes kept of the board of trustees

1 meetings, correct?

2 A. Yes, there are.

3 Q. If that information was  
4 presented, it's likely going to be in the  
5 meeting minutes?

6 A. It likely would, yes.

7 Q. Is there a process by which you  
8 can incorporate the Start grant into the 2019  
9 budget once you receive confirmation that you  
10 will be receiving funds?

11 A. Yes. Worst case scenario is that  
12 we would have to do a budget adjustment to  
13 include the expenses related to, you know,  
14 the recovery coaches and continuing that  
15 service. That would be worst case scenario.

16 Q. Worst case scenario because any  
17 budget adjustment takes a considerable amount  
18 of effort; is that fair?

19 A. That is correct.

20 Q. And the budget adjustment that  
21 you had for 2016 for the paid placement, did  
22 that also take a considerable amount of  
23 effort to pass through?

24 A. Yes, it did.

25 Q. Is there also what's called an

1 FRRC grant? Do you know what that is?

2 A. Yes, there is.

3 Q. And what is that?

4 A. I honestly don't know.

5 Q. Have you ever heard of the  
6 Substance Abuse Unit?

7 A. No, I have not.

8 Q. Do you have any knowledge or  
9 details about the Family Reunification  
10 through Recovery Court?

11 A. Other than that's the acronym for  
12 FRRC.

13 Q. And there was a grant award for  
14 that court, the FRRC, correct?

15 A. Yes.

16 Q. Do you have any information as to  
17 when that grant award was first received?

18 A. No, I do not.

19 Q. Is the grant award for FRRC  
20 reflected in either the 2017 or 2018 budgets  
21 that you have before you marked as Exhibits 7  
22 and 9?

23 A. It would be included in there,  
24 yes.

25 Q. Turning to Exhibit Number 9, the



1           2018 budget, can you point to me where in the  
2           -- I assume it's in the revenue spreadsheet,  
3           correct?

4           A.     It would have to be in both the  
5           revenue and the expenditure spreadsheet.

6           Q.     In the revenue spreadsheet, can  
7           you point to me what line item represents the  
8           FRRC grant?

9           A.     I believe FRRC was accounted for  
10          underneath the grants line item.

11          Q.     Under the state funds grants?

12          A.     Yes.

13          Q.     Were there other grants included  
14          under that line item as well or was it just  
15          the FRRC?

16          A.     No. There were other grants.

17          Q.     Is there any way for me to  
18          determine how much grant money was received  
19          for the FRRC from any of your revenue  
20          statements?

21                   Certainly not from this one,  
22          correct?

23          A.     No.

24          Q.     Do you know if that information  
25          is kept anywhere, how much grant money is

1 received specific for the FRRC grant?

2 A. I believe that detail would be  
3 maintained in the Banner financial system.

4 Q. What's the Banner financial  
5 system?

6 A. That is the county's financial  
7 system of which we have to record all of our  
8 revenues and expenditures.

9 Q. How often do you have to record  
10 revenues and expenditures in the Banner  
11 financial system?

12 A. Well, we enter our information  
13 into Banner in real-time.

14 Q. So anytime you're getting like a  
15 reimbursement, it's entered into the  
16 financial system?

17 A. When we pay a bill, we're  
18 entering it into Banner, yes.

19 Q. Are there reports generated from  
20 that system that you keep for record-keeping  
21 purposes?

22 A. I do not.

23 Q. Do you know if anyone at SCCS  
24 keeps any reports from that system?

25 A. No.

1                   Q.    Who enters the information into  
2                   the Banner financial system?

3                   A.    Kathy VanHoose.

4                   Q.    What's her title?

5                   A.    I want to say she's a financial  
6                   account specialist or fiscal account  
7                   specialist. We could find her on the  
8                   organizational chart, but --

9                   Q.    I know you said that you don't  
10                  know of any reports that have been run.

11                  Do you know of the ability to run  
12                  reports in the Banner financial system?

13                  A.    I do not know.

14                  Q.    Has there been any assessment  
15                  done, to your knowledge, as to what the cost  
16                  per child for paid placements has been over  
17                  time?

18                  A.    Yes.

19                  Q.    And what has that assessment  
20                  resulted in? What were the results?

21                  Do you know what the cost per  
22                  child for paid placements were over time?

23                  A.    I do. And it varies according to  
24                  the placement setting.

25                  Q.    Where can I obtain that

1 information as to the assessment of the cost  
2 per child for paid placements?

3 A. I would have that information in  
4 my electronic file system.

5 Q. Do you keep a running spreadsheet  
6 of that information or how is it maintained?

7 A. Yes. There is a running  
8 spreadsheet. I'm uncertain as to how far it  
9 goes back, but --

10 Q. You anticipated my next question.  
11 When did you begin keeping that  
12 running spreadsheet?

13 A. I asked for the data probably --  
14 I want to say probably the end of 2016.

15 Q. Why did you ask for that data at  
16 that time?

17 A. Well, I felt the data was  
18 pertinent to my job duty in terms of  
19 budgeting and trying to anticipate costs  
20 going forward and trying to project costs. I  
21 thought it was important that I know the cost  
22 per child.

23 Q. Do you think that cost per child  
24 for placements is an important aspect or  
25 important information to be able to ascertain

1 the financial impact, say, of opioids at  
2 SCCS?

3 MR. PENDELL: Objection to form.

4 THE WITNESS: Can you say that a  
5 different way?

6 BY MS. HIBBERT:

7 Q. Sure. I'll try.

8 The cost per paid placements has  
9 increased from 2006 to 2018, correct?

10 A. Yes, generally.

11 Q. At least increased in 2016.

12 Fair?

13 A. Fair. Yes.

14 Q. There was a spike in the cost of  
15 placements in 2016, correct?

16 A. Yes.

17 Q. In order to determine how that  
18 spike in paid placements affected the  
19 financial health of SCCS, would it be  
20 important for us to know the cost per child  
21 for paid placements?

22 MR. PENDELL: Objection.

23 THE WITNESS: I don't think your  
24 restatement helped. I don't understand  
25 your question.

1 BY MS. HIBBERT:

2 Q. Okay. Sure.

3 If I wanted to -- strike that.

4 The spreadsheet that you kept on  
5 the cost per child for paid placements, is  
6 that just one individual spreadsheet?

7 A. Yes.

8 Q. Are there any other spreadsheets  
9 or documents that include information about  
10 cost per child for paid placements over time?

11 A. That's the only one that I'm  
12 aware of.

13 Q. Did you calculate, yourself, the  
14 cost per child for paid placements that are  
15 incorporated in your running spreadsheet?

16 A. No, I did not.

17 Q. Who made those calculations?

18 A. Margaret Cross.

19 Q. What's her title?

20 A. I think it's financial account  
21 specialist or something.

22 Q. Do you know what methodology she  
23 employed to make those calculations?

24 A. The calculations are completed in  
25 an Excel spreadsheet.

1                   Q.    Do you know what formulas were  
2                   used or how she came up with those costs per  
3                   child?

4                   A.    I understand the formulas that  
5                   she used, yes.

6                   Q.    What were they, then?

7                   A.    It's looking at, you know, how  
8                   many children are in a particular setting for  
9                   that month compared to the number of days  
10                  that the child -- you know, that we had for  
11                  total for the child in that placement  
12                  setting, and look at the costs, and calculate  
13                  an average based upon that.

14                  Q.    Paid placement is different than  
15                  foster care, correct?

16                  A.    We have -- yes. Our foster care,  
17                  yes, would be different from paid placement.

18                  Q.    What is paid placement and how is  
19                  it different than foster care?

20                         MR. PENDELL: Objection to form.

21                         THE WITNESS: Paid placement is  
22                         our purchased placement settings.

23                         BY MS. HIBBERT:

24                         Q.    And what are those settings? Is  
25                         it like a family that's being paid to take in

1 children? How does it work?

2 MR. PENDELL: Objection to form.

3 THE WITNESS: The purchase  
4 placement setting would include a  
5 residential, a group home, and then our  
6 purchased foster homes.

7 BY MS. HIBBERT:

8 Q. Was there ever an assessment done  
9 to determine the cause of the increase in  
10 paid placements in 2016?

11 A. Not to my knowledge, no.

12 Q. Is it your understanding that the  
13 paid placement costs are still less in 2016  
14 to 2018 than they were a decade before?

15 MR. PENDELL: Objection to form.

16 THE WITNESS: I don't know  
17 without looking at the data. I don't  
18 know.

19 BY MS. HIBBERT:

20 Q. Sure.

21 I think -- let me ask you this.  
22 You don't know how far back your running  
23 spreadsheet goes for the cost per child for  
24 paid placements, correct?

25 A. That's correct.



1           Q.    Do you have any information as to  
2           the total amount spent for paid placements  
3           for any years before 2013?

4           A.    Yes.   We have that -- I think  
5           that date is included on -- in our budget  
6           books for prior years and --

7           Q.    We could ascertain that data from  
8           any of the various budgets books before 2017  
9           that we've seen here today, correct?

10          A.    Yes.

11          Q.    If you turn to Exhibit Number 8,  
12          the budget summary document that you prepared  
13          and turned over in this litigation, we can  
14          get a general sense of how much was actually  
15          spent based on what the budgeted amount for a  
16          line item is for the next year.  Fair?

17          A.    Yes.   That would be correct.

18          Q.    You wouldn't necessarily be  
19          budgeting for less than what you expended on  
20          a line item the year before, correct?

21          A.    That is correct.

22          Q.    Turning to page 2 of Exhibit 8 on  
23          the expenditures page, on the second kind of  
24          grouping there, the first line item is "paid  
25          placements," correct?

1 A. Yes, it is.

2 Q. And from 2008 to 2013, there's a  
3 steady decline in the amount budgeted for  
4 paid placements. Is that fair?

5 A. Yes, it is.

6 Q. We can assume from that  
7 information that there was a steady decline  
8 in the amount spent in paid placements from  
9 2008 to 2013. Fair?

10 A. That is correct. That is what  
11 the spreadsheet indicates.

12 Q. Looking at the 2018 budgeted  
13 amount, it's 11.5 million -- do you see  
14 that -- for paid placements?

15 A. Yes, I do.

16 Q. Still less than the budgeted  
17 amount was for 2008, a decade earlier,  
18 \$13,649,000.

19 Do you see that?

20 A. Yes, I do.

21 Q. So even though there was a spike  
22 in paid placement costs in the last three  
23 years, it still is not as much as the paid  
24 placement costs were a decade ago in 2008.  
25 Fair?

1           A.     Based on the data on the  
2     spreadsheet, yes, that is correct.

3           Q.     And going back to what, you know,  
4     we discussed a little bit earlier, the  
5     average number of children per month in  
6     custody, numbers now, or in the past three  
7     years, still less than they were a decade  
8     ago, correct?

9           MR. PENDELL:   Objection.

10          THE WITNESS:   Yes.   That is  
11          correct.

12          BY MS. HIBBERT:

13          Q.     I believe we looked at this  
14     before too.   Overall expenditures for SCCS  
15     now, or in the past three years, still less  
16     than they were a decade ago, correct?

17          A.     Yes, based on the data in the  
18     spreadsheet, that's correct.

19          Q.     You don't have any reason to  
20     believe the data on this spreadsheet that you  
21     yourself prepared, in part at least, is  
22     incorrect in any way, correct?

23          A.     I have no reason to believe that,  
24     no.

25          Q.     Mr. Kearns, as promised, I'm

1           going to return back to Exhibit 3 that we  
2           looked at earlier today. I have a couple  
3           additional questions about that exhibit.

4                       Let me know when you have it in  
5           front of you.

6                       A.     Okay.

7                       Q.     When was the first time that SCCS  
8           took any steps to identify the costs driven  
9           by opioid misuse?

10                      MR. PENDELL:   Objection.

11                      THE WITNESS:   Well, I created the  
12           spreadsheet, I believe, in May of 2017.

13                      BY MS. HIBBERT:

14                      Q.     And is it your understanding  
15           that -- excuse me -- your creation of this  
16           spreadsheet in May of 2017 reflected in  
17           Exhibit Number 3 was the first effort that  
18           SCCS took to identify the costs related to  
19           opioids?

20                      A.     I don't know that.

21                      Q.     Are you aware of any other  
22           assessment or analysis or efforts taken to  
23           identify costs related to opioids other than  
24           your efforts related to this spreadsheet  
25           marked as Exhibit 3?

1 A. Not during my tenure.

2 Q. This was the first time, your  
3 development or creation of this spreadsheet,  
4 May 2017, this was the first time that you  
5 had tried to quantify or determine the  
6 financial impact of opioids -- or related to  
7 opioids on anything, correct?

8 A. Yes. This was my first attempt  
9 to quantify the impact.

10 Q. Is it fair to say that this is  
11 not something that you focused on before this  
12 lawsuit was anticipated?

13 MR. PENDELL: Objection to form.

14 THE WITNESS: It wasn't something  
15 that I had been asked to do prior, no.

16 BY MS. HIBBERT:

17 Q. It wasn't something that was  
18 considered in SCCS generally either, correct?

19 MR. PENDELL: Objection to form.

20 THE WITNESS: I don't know that  
21 prior to this date, that there had been  
22 a request to quantify the impact  
23 financially. But I know from my  
24 executive team meetings that the opioid  
25 crisis and the impact was discussed from

1                   time to time in those meetings.

2           BY MS. HIBBERT:

3                   Q.     How did you develop this  
4                   spreadsheet marked as Exhibit Number 3?  What  
5                   was your process?

6                   A.     Well, we have the ability to pull  
7                   Banner data really for several years in  
8                   arrears.  So I pulled the -- I pulled the  
9                   Banner data related to all of those cost  
10                  centers that we considered to be  
11                  child-specific, you know, put those -- put  
12                  that data into a table, summarized the total  
13                  of each one of those cost categories over the  
14                  years that are displayed with the exception,  
15                  of course, 2017, it was only five months, and  
16                  then multiplied each category by 30 percent.

17                  Q.     Now, we saw, going over some of  
18                  the other budget documents for 2017, 2018,  
19                  there are several other expenditure line  
20                  items that are typically included in a  
21                  budget, correct, than what's reflected here?

22                  A.     Yes.  Oh, yes.

23                  Q.     Is it fair to say, then, that  
24                  these are the only line items that you and  
25                  SCCS have identified as being in any way

1 related to or affected by opioids?

2 A. At the time that this spreadsheet  
3 was created, yes, these were the cost  
4 categories that we felt were child-specific  
5 and were related -- or could be impacted by  
6 the opioid epidemic in the county.

7 Q. Have you identified additional  
8 cost categories or line items that may have  
9 been impacted by opioids since the creation  
10 of this chart?

11 MR. ARNOLD: Objection. I  
12 instruct the witness not to answer to  
13 the extent it involves attorney-client  
14 privilege or work product.

15 BY MS. HIBBERT:

16 Q. Can you answer with that  
17 instruction?

18 A. I'll follow the instruction of my  
19 counsel.

20 MS. HIBBERT: And maybe this is  
21 clarification for counsel, but is it --  
22 was there no assessment done other than  
23 at the direction of counsel of  
24 additional cost items?

25 MR. ARNOLD: Well, no. He can

1           answer the question. You asked, "Have  
2           you identified additional cost  
3           categories," so it's a yes/no question.

4           MS. HIBBERT: That's the question  
5           you objected to.

6           MR. ARNOLD: Yep.

7           MS. HIBBERT: So are you  
8           objecting or withdrawing the objection?

9           MR. PENDELL: Well, that's not  
10          what he said. He said, "I instruct the  
11          witness not to answer to the extent it  
12          implicates attorney-client  
13          communications and privilege."

14          He can answer "yes" or "no." He  
15          just can't go beyond that.

16          MS. HIBBERT: Okay. Well, that's  
17          not what you originally said when you  
18          objected. So let's reask the question.  
19          We can set an objection on the record --

20          MR. PENDELL: Calm down.

21          MS. HIBBERT: -- and he can  
22          answer "yes" or "no."

23          MR. PENDELL: That's exactly what  
24          he said.

25          Calm down. Calm yourself down.



1 Okay?

2 MS. HIBBERT: Excuse me, Counsel.

3 MR. PENDELL: Excuse me. You've  
4 been rude all day. Since we started,  
5 you've been rude.

6 MS. HIBBERT: I don't know what  
7 you're talking about, honestly.

8 MR. PENDELL: You have been. You  
9 have been. You have been.

10 And you guys jump up and down  
11 when your attorney-client privilege is  
12 implicated. So just relax. We're not  
13 going to --

14 MR. HALLER: Implying that she's  
15 hysterical is gender bias, and it's  
16 inappropriate.

17 MS. HIBBERT: Yeah. I --

18 MR. HALLER: Really  
19 inappropriate. Okay? So let's keep it  
20 calm.

21 MR. PENDELL: Thanks a lot, sir.  
22 We'll take it under advisement, okay?

23 MR. HALLER: Thank you.

24 MS. HIBBERT: I couldn't agree  
25 more. I think your objections are

1                   highly inappropriate. I think your  
2                   speaking objections -- let me continue,  
3                   sir.

4                   MR. PENDELL: Don't point your  
5                   finger at me. Don't point your finger  
6                   at me.

7                   MS. HIBBERT: I'm going to do  
8                   whatever I want to do right now --

9                   MR. PENDELL: Okay. Okay.

10                  MS. HIBBERT: -- because you are  
11                  interrupting me. You're talking over  
12                  me. You're being, frankly, a jerk.

13                  And any other observations you  
14                  want to make, let's take it outside, off  
15                  the record. We're not doing this  
16                  anymore on the record here.

17                  MR. PENDELL: Take it outside?  
18                  Are you like inviting me outside so you  
19                  can inflict violence on me?

20                  MR. ARNOLD: All right. Let's  
21                  move on.

22                  MS. HIBBERT: Excuse me, Counsel?

23                  MR. PENDELL: Ask your questions.

24                  MS. HIBBERT: Let's go off the  
25                  record.

1 MR. PENDELL: Ask your questions.

2 MS. HIBBERT: Off the record.

3 THE VIDEOGRAPHER: Off the  
4 record, 4:14.

5 (Recess taken.)

6 THE VIDEOGRAPHER: On the record,  
7 4:25.

8 BY MS. HIBBERT:

9 Q. Mr. Kearns, have you identified  
10 additional cost categories or line items that  
11 may have been impacted by opioids since the  
12 creation of this chart reflected in Exhibit  
13 Number 3?

14 A. No, I have not.

15 Q. Where did the number 30 percent  
16 come from in this chart?

17 A. The number 30 percent came from a  
18 hand count that was done by Sharon Geffken,  
19 who was our deputy director of social  
20 services prior to Amy Davidson.

21 Q. Hand count of what?

22 A. She literally went through case  
23 by case. I guess, maybe "hand count" is a  
24 poor description, but she went through SACWIS  
25 case by case and identified all the cases

1       where opioid abuse was identified as a  
2       contributing factor to removal.

3               Q.     Did you ever talk to Ms. Geffken  
4       about the steps that she employed to identify  
5       this information?

6               A.     No, I did not.

7               Q.     Do you have any knowledge about  
8       the steps that she employed to identify this  
9       information?

10              A.     No, I do not.

11              Q.     Do you know what she identified  
12       as opioid abuse?

13              A.     No, I do not.

14              Q.     Do you know what she was looking  
15       for to identify cases where, quote/unquote,  
16       "opioid abuse was identified as a  
17       contributing factor to removal"?

18              A.     No, I do not.

19              Q.     Do you know what specific  
20       information in SACWIS Ms. Geffken was looking  
21       for to identify these cases?

22              A.     No, I do not.

23              Q.     Do you know what types of  
24       information exist in the SACWIS system  
25       related in any way to substance abuse?

1 A. No, I do not.

2 Q. Do you know whether the  
3 information she pulled, being the cases that  
4 she identified where, quote, "opioid abuse  
5 was identified as a contributing factor to  
6 removal" -- do you know whether that was  
7 broken out by specific drug?

8 A. No, I do not.

9 Q. Do you know whether there was  
10 identification of prescription opioids versus  
11 illicit opioids?

12 A. No, I do not.

13 Q. Do you know whether that was  
14 possible, whether she could have identified  
15 whether the opioid abuse that she had  
16 identified was either prescription versus  
17 illicit?

18 A. No, I do not.

19 Q. Do you know whether there's  
20 information that she could have obtained as  
21 to what particular prescription opioid drug,  
22 if it were a prescription opioid drug, was at  
23 issue in that case?

24 A. I'm sorry. Read it one more  
25 time?

1 Q. Sure.

2 Do you know whether or not  
3 there's information she could have obtained  
4 as to what particular prescription opioid  
5 drug, if it were a prescription opioid drug,  
6 was at issue in the case?

7 A. No, I do not.

8 Q. Do you know if there's any way to  
9 determine if a prescription drug was at  
10 issue, a prescription opioid drug, who the  
11 manufacturer of that drug was?

12 A. No, I do not.

13 Q. Do you know if a prescription  
14 opioid was at issue in any one of these  
15 cases, whether there was information as to  
16 who distributed that drug?

17 A. No, I do not.

18 Q. Do you know if there was a  
19 prescription opioid at issue in any one of  
20 these cases if there was information as to  
21 what pharmacy the drug came from?

22 A. No, I do not.

23 Q. Do you know if Ms. Geffken looked  
24 at any of that information in her analysis of  
25 the SACWIS data that underlies your

1 spreadsheet marked as Exhibit 3?

2 A. I do not know.

3 Q. Did you ask her any questions  
4 about how she was identifying, quote/unquote,  
5 "opioid abuse" in these cases?

6 A. No, I did not.

7 Q. Did you speak to anybody else  
8 besides attorneys representing Summit County  
9 in this case about how, quote/unquote,  
10 "opioid abuse" was identified by Ms. Geffken  
11 in this analysis?

12 MR. PENDELL: Objection --

13 THE WITNESS: I'm sorry.

14 MR. PENDELL: I was just going to  
15 object to the form. Go ahead.

16 THE WITNESS: No, I have not.

17 BY MS. HIBBERT:

18 Q. Is it fair to say, then, in this  
19 30 percent that's been identified, the  
20 30 percent number, there's no way to  
21 determine what percentage of that percentage  
22 was a result of prescription opioids?

23 MR. PENDELL: Objection to form.

24 THE WITNESS: I don't know.

25

1 BY MS. HIBBERT:

2 Q. In the information that you have  
3 available to you, there's no way to determine  
4 that, correct?

5 A. That's correct.

6 Q. Do you have any knowledge as to  
7 what "a contributing factor to removal"  
8 means?

9 A. Not specifically, no.

10 Q. Do you understand that in the  
11 SACWIS system, the contributing factor listed  
12 is not the actual reason for removal?

13 MR. PENDELL: Objection to form.

14 THE WITNESS: No, I don't. I  
15 don't work in SACWIS.

16 BY MS. HIBBERT:

17 Q. Do you understand that the actual  
18 reason for removal for children in this  
19 analysis was not evaluated?

20 A. I'm sorry?

21 MR. PENDELL: Objection.

22 THE WITNESS: Could you repeat  
23 it?

24 BY MS. HIBBERT:

25 Q. Do you know if the actual removal



1 reason, the reason that a child was removed,  
2 do you know whether that was evaluated in  
3 Ms. Geffken's analysis that underlies your  
4 calculations in Exhibit 3?

5 A. I don't know.

6 Q. Do you have any other information  
7 as to the methodology that Ms. Geffken  
8 employed in determining the 30 percent number  
9 other than what you've already told me here  
10 today?

11 A. No, I do not.

12 Q. Of the 30 percent number that you  
13 have included in your calculations, there's  
14 no way to identify what percentage of that  
15 resulted from use of heroin, correct?

16 A. I don't know.

17 Q. With the information that you  
18 have available to you right now, you cannot  
19 ascertain what percentage of this 30 percent  
20 was a result of heroin use, correct?

21 MR. ARNOLD: Asked and answered.

22 THE WITNESS: I don't know.

23 BY MS. HIBBERT:

24 Q. You don't know if you can  
25 identify that information, or you know you

1           can't do that from the information that you  
2           have available to you?

3                       MR. PENDELL:  Objection to form.

4                       THE WITNESS:  The information is  
5                       not available to me.

6           BY MS. HIBBERT:

7                       Q.    You don't have any information  
8                       available to you and you did not have any  
9                       information available to you in making these  
10                      calculations as to what percentage fentanyl  
11                      or carfentanil or any other illicit substance  
12                      contributed to this analysis, correct?

13                      MR. PENDELL:  Objection to form.

14                      THE WITNESS:  Again, that  
15                      information is not available to me.

16           BY MS. HIBBERT:

17                      Q.    And as far as you know, there's  
18                      no -- there's no way to determine what --  
19                      percentage-wise, what impact any specific  
20                      drug, illicit or not, had on the SCCS,  
21                      correct?

22                      A.    I do not know.

23                      Q.    That's not something you've been  
24                      asked to determine?

25                      A.    No, it is not.

1                   Q.     Who asked you to prepare the  
2     Excel spreadsheet included in Exhibit  
3     Number 3?

4                   A.     Julie Barnes, my executive  
5     director, asked me to prepare the  
6     spreadsheet.

7                   Q.     And did you have any discussion  
8     with her about why she was asking you to  
9     prepare that spreadsheet?

10                  A.     Yes, I did.

11                  Q.     What were those discussions?  
12     What did they entail?

13                  A.     The discussion that I had with  
14     Julie indicated that the County of Summit was  
15     considering this lawsuit and that they had  
16     asked us to try and create a document which  
17     basically illustrated the impact.

18                  Q.     Did Ms. Barnes provide you with  
19     this 30 percent number?

20                  A.     Yes, she did.

21                  Q.     And did she tell you that  
22     Ms. Geffken had performed the analysis that  
23     we just spoke about?

24                  A.     Yes, she did.

25                  Q.     Did you speak to Ms. Geffken

1 personally about the analysis that she  
2 employed?

3 A. No, I did not speak to her  
4 directly.

5 Q. Have you ever spoken to  
6 Ms. Sharon Geffken about the analysis that  
7 underlies your calculations reflected in  
8 Exhibit Number 3?

9 A. No, I have not.

10 Q. Did you ask Ms. Barnes any  
11 specific questions about the methodology  
12 employed by Ms. Geffken?

13 A. No, other than asking, you know,  
14 generally how she created the number, when I  
15 was -- that's when Julie told me that she had  
16 done a hand count.

17 Q. She told you what you have  
18 already told us about the methodology,  
19 correct?

20 A. That is correct.

21 Q. Did you ask Ms. Barnes any other  
22 information about that analysis that  
23 underlies your calculations in Exhibit  
24 Number 3?

25 A. No, I did not.

1 Q. Did you ask to see the actual  
2 data that was pulled from the SACWIS system  
3 to confirm the 30 percent number?

4 A. No, I did not.

5 Q. Did you do any analysis yourself  
6 to confirm the 30 percent number?

7 A. I do not have that information  
8 available to me.

9 Q. So you took the 30 percent number  
10 from Ms. Barnes, plugged it into your  
11 calculations that are reflected in Exhibit  
12 Number 3; is that fair?

13 A. That is correct.

14 Q. You didn't do any other sort of  
15 analysis or fact investigation as to the  
16 underlying data or information for your  
17 calculations, correct?

18 MR. PENDELL: Objection to form.

19 THE WITNESS: No, I did not do  
20 any additional calculations.

21 (Spreadsheet, marked as  
22 Deposition Exhibit 10.)

23 BY MS. HIBBERT:

24 Q. I'm going to show you what's been  
25 marked as Exhibit Number 10.

1 A. Thank you.

2 Q. Have you ever seen this document  
3 before?

4 A. Yes, I have.

5 Q. When did you first see this  
6 document?

7 A. Probably a week to ten days ago.

8 Q. Did you participate in any way in  
9 the creation of this document?

10 A. No, I did not.

11 Q. Did review of the information  
12 contained in Exhibit Number 10, when you  
13 reviewed that a week or two ago, I think you  
14 said, did that inform you in any way about  
15 any of the analysis that you had performed  
16 regarding the financial impact of opioids on  
17 SCCS?

18 A. Other than in reviewing the 2016  
19 data, I felt that it supported, at least in  
20 most part, the 30 percent that we had used.

21 Q. What do you mean by "other than  
22 reviewing the 2016 data"?

23 A. Well, I mean that, you know, when  
24 I created the spreadsheet in May of 2017 and  
25 I was given the 30 percent figure that my

1           understanding was created in 2016, I felt  
2           that it gave support to that 30 percent  
3           figure, this work did.

4           Q.     Do you know who created this  
5           document?

6           A.     I do not know specifically who  
7           created this document.

8           Q.     Do you know how this document was  
9           created, where this information came from?

10           MR. PENDELL:   Objection to form.

11           THE WITNESS:   I do not know the  
12           methodology employed to create this  
13           spreadsheet.

14           BY MS. HIBBERT:

15           Q.     And you haven't done anything to  
16           confirm any of the numbers that are reflected  
17           in this document marked as Exhibit Number 10,  
18           correct?

19           A.     That would be correct, because  
20           this information is not available to me.

21           Q.     The information in the SACWIS  
22           system is not available to you; is that what  
23           you're saying?

24           A.     That is correct.

25           Q.     Did the quality improvement

1 department provide the information that you  
2 used to populate the calculations in Exhibit  
3 Number 3?

4 A. I'm sorry. What information are  
5 you referring to in Exhibit Number 3?

6 Q. Any of the information included  
7 in Exhibit Number 3.

8 A. No. The QI department did not  
9 contribute to this document.

10 Q. They didn't contribute to this  
11 analysis in any way, as far as you know?

12 A. No, they did not.

13 Q. To your knowledge, has there been  
14 any assessment of the actual number of  
15 children or percentage of children that come  
16 into the custody of SCCS as a result of  
17 opioid abuse or addiction?

18 MR. PENDELL: Objection to form.

19 THE WITNESS: I don't know.

20 BY MS. HIBBERT:

21 Q. Other than what you've told me so  
22 far about Exhibit Number 10, do you have any  
23 other information about this document?

24 A. No, I do not.

25 Q. To your knowledge is the term



1 "removal" -- is that different than  
2 "custody"?

3 A. I don't know.

4 Q. Do you know what that term means,  
5 "removal"? What do you understand that term  
6 to mean?

7 A. In my opinion, "removal" would  
8 mean that a child was removed from a  
9 particular setting. Whether or not custody  
10 was established I would think would be a  
11 whole other -- that would be another action.

12 Q. Just because a child is removed  
13 from their setting doesn't necessarily mean  
14 that they come into the custody of SCCS,  
15 correct?

16 A. That is correct.

17 Q. There's some sort of assessment  
18 that has to happen in between that point in  
19 time, removal, and establishment of custody,  
20 correct?

21 A. That's my understanding.

22 Q. And just because a child is  
23 removed from a home setting doesn't mean that  
24 they aren't returned to that home setting  
25 soon thereafter, correct?

1 A. I believe that to be true, yes.

2 Q. Do you have any information as to  
3 what's been referred to as "a caseworker  
4 blitz data entry" into the SACWIS system in  
5 2016?

6 A. No. I have no information  
7 related to that.

8 (September 5, 2017, SSAB Budget  
9 and Levy Committee Meeting  
10 Minutes, marked as Deposition  
11 Exhibit 11.)

12 BY MS. HIBBERT:

13 Q. I'm going to show you what I've  
14 marked as Exhibit Number 11.

15 Have you ever seen this document  
16 before?

17 A. I have not.

18 Q. Do you receive the meeting  
19 minutes from the SSAB Budget and Levy  
20 Committee?

21 A. No, I do not.

22 Q. Do you recall attending a budget  
23 and levy committee meeting on September 5th,  
24 2017, or thereabouts?

25 A. Yes, I do.

1                   Q.    And it says here under the guests  
2                   -- on the first page of Exhibit 11, it lists  
3                   your name there as a guest attending that  
4                   meeting, correct?

5                   A.    Yes.

6                   Q.    I want to turn to page 5,  
7                   Bates-labeled at the bottom 924665.

8                   A.    Okay.

9                   Q.    And these bullet points reflect,  
10                  at the top there, Julie Barnes giving  
11                  highlights regarding the 2018 SCCS budget,  
12                  which you have knowledge of, correct?

13                  A.    Yes, I do.

14                  Q.    About halfway down the bullet  
15                  points, starting with paid placement costs --  
16                  do you see that bullet?

17                  A.    Yes, I do.

18                  Q.    It says:

19                        "They're budgeted at  
20                        11.5 million. There has been some  
21                        stabilization around the number of  
22                        kids in custody after the spike in  
23                        2016. Due to the opiate epidemic,  
24                        there are currently 650 in custody  
25                        compared to over 700 in 2016,

1                   although there hasn't been much  
2                   savings realized as the kids in  
3                   custody have more profound needs,  
4                   resulting in higher costs."

5                   Did I read that correctly?

6                   A.     Yes, I believe you did.

7                   Q.     Do you have any information as to  
8                   what this means here by the kids coming into  
9                   custody having "more profound needs,  
10                  resulting in higher costs"?

11                  A.     The only knowledge that I would  
12                  have would be related to the placement  
13                  setting that the child was placed in. I  
14                  don't have any access to assessments for  
15                  child needs or anything along that line.

16                  Q.     And what information do you have  
17                  as to the placement settings?

18                  A.     Well, I do -- we keep track of  
19                  kids in each particular placement setting.  
20                  Again, that's information that we had  
21                  discussed earlier that I use to try to  
22                  project costs going forward.

23                  Q.     And how does the placement  
24                  setting for these kids coming into custody in  
25                  2013 result in higher costs?

1 A. I'm sorry. Did you say 2013?

2 Q. I'm sorry. I meant 2016.

3 A. Okay.

4 Q. I did say 2013, but I meant 2016.

5 Do you want me to repeat the  
6 question?

7 A. Yes, please.

8 Q. How does the placement setting  
9 for these kids coming into custody in 2016  
10 result in higher costs?

11 A. In 2016, we saw a much higher --  
12 we saw a higher number of kids go into  
13 residential group home settings, which are  
14 significantly more costly than our  
15 agency-licensed homes or our purchased foster  
16 home settings.

17 Q. And do you have an understanding  
18 as to why a higher number of kids were going  
19 into residential or group homes in 2016?

20 A. I do not. That information is  
21 not available to me.

22 Q. Did you understand there to be a  
23 limitation on the number of foster homes  
24 available in this time period, 2016?

25 MR. PENDELL: Objection to form.

1 THE WITNESS: I did know that we  
2 were utilizing the majority of our  
3 agency-licensed homes and that the  
4 market for purchased foster settings was  
5 very competitive.

6 BY MS. HIBBERT:

7 Q. You don't have any information to  
8 suggest that the increase in number of kids  
9 going into residential or group homes were  
10 because they needed residential or group  
11 homes as opposed to another setting, do you?

12 A. No. That information is not  
13 available to me.

14 Q. Do you have any information as to  
15 why a child might be placed in a particular  
16 setting and what needs of the child would  
17 dictate what setting they get put into?

18 A. No. That information is not  
19 available to me.

20 Q. You don't have any information to  
21 suggest that a child with greater needs would  
22 need residential or group home setting versus  
23 another type of setting?

24 MR. PENDELL: Objection to form.

25 THE WITNESS: That's correct.

1                   That information is not available to me.

2           BY MS. HIBBERT:

3                   Q.     Have you had any discussions with  
4                   anybody at SCCS about the increasing number  
5                   of kids going into residential or group  
6                   homes?

7                   A.     I know that Amy Davidson and I,  
8                   who is the deputy director of social  
9                   services, we have had some conversation in  
10                  our executive team meetings related to the  
11                  number of kids going into a particular  
12                  placement setting as opposed to another.

13                  Q.     And the residential or group  
14                  homes, are those paid placement settings?

15                  A.     Those are paid placement  
16                  settings, yes.

17                  Q.     And that's part of the reason  
18                  why -- or the reason why in 2016 there was a  
19                  spike in paid placement costs, correct?

20                  A.     Because we had additional  
21                  children in those settings?

22                  Q.     Yes.

23                  A.     Yes.

24                  Q.     Do you have any knowledge as to  
25                  any other reason for the spike in paid

1 placement settings other than additional kids  
2 needing places to go and being put into the  
3 residential and group paid placement homes?

4 A. Other than what Ms. Barnes  
5 indicated here in her report, that the kids  
6 had, you know, more profound need, no.

7 Q. Do you have any information about  
8 what profound needs Ms. Barnes was referring  
9 to?

10 A. I do not. That's not available  
11 to me.

12 Q. And you haven't seen any analysis  
13 or assessment of what needs these children in  
14 2016 or thereafter actually had, correct?

15 MR. PENDELL: Objection to form.

16 THE WITNESS: That's correct.

17 That's not available to me.

18 BY MS. HIBBERT:

19 Q. That's not been made available to  
20 you, correct?

21 A. Correct. It's not made available  
22 to me.

23 Q. The increase that you saw, the  
24 budget adjustment of -- I think it was  
25 \$1.7 million for the paid placement line item



1 in 2016 --

2 A. Yes.

3 Q. -- was that in any way related  
4 specifically to opioids?

5 A. The adjustment was related to the  
6 increase in cost that we experienced in our  
7 paid placement line item and in our foster  
8 care line item.

9 And I would assume that that is  
10 directly as a result of the opioid epidemic.

11 Q. That's an assumption; that's not  
12 something that you've seen borne out in  
13 actual data that you've looked at, correct?

14 In other words, it's not  
15 something that you've assessed?

16 A. It's not something that I've  
17 assessed, no.

18 Q. And that's not something that  
19 you've seen assessed by SCCS, correct?

20 MR. PENDELL: Objection to form.

21 THE WITNESS: Other than the  
22 assessment that Sharon Geffken did in  
23 2016, no.

24 BY MS. HIBBERT:

25 Q. And you haven't seen any of that

1 data that she created from her analysis,  
2 correct?

3 A. I have not seen the data.

4 Q. And the 2017, 2018, and now 2019  
5 budget process, you said for each of those  
6 years that you had asked for an increase in  
7 the budget amounts, correct?

8 A. Each year, the total budget has  
9 increased, yes.

10 Q. Were any of the requests for  
11 increase in budget amount for those three  
12 years specifically related to expenses that  
13 SCCS had determined related to opioids?

14 A. They were not specifically  
15 related to opioids, no.

16 Q. Were any of the requests for  
17 increase in budget specifically related to  
18 substance abuse at all?

19 A. Not to my knowledge.

20 (Email chain Kearns and Ream,  
21 beginning Bates SUMMIT\_01916138,  
22 marked as Deposition Exhibit 12.)

23 BY MS. HIBBERT:

24 Q. I'll show you what's been marked  
25 as Exhibit Number 12.

1 Do you recognize this email?

2 A. Yes.

3 Q. This is an email chain between  
4 you and an Ann Ream, for the record,  
5 Bates-labeled 1916138.

6 Who is Ms. Ann Ream?

7 A. Ann Ream is our department  
8 director for community relations.

9 Q. What are her responsibilities in  
10 that role, to your knowledge?

11 A. At this point in time, Ann's  
12 primary responsibility was the function of  
13 our levy campaign.

14 Q. What does that mean, "function of  
15 your levy campaign"?

16 A. Well, she was responsible, you  
17 know, to make sure that our levy campaign was  
18 running efficiently. She's also responsible  
19 for what we call community education or  
20 community outreach. So she was very busy in  
21 getting us into the public spotlight,  
22 participating in parades and different things  
23 along that line.

24 So she's -- she's basically our  
25 liaison between ourselves and the community

1 and the media.

2 Q. Is it fair to say that her job,  
3 in part, is to let the community know what  
4 they're paying for through the tax levy?

5 A. No, I don't know that that's  
6 completely accurate.

7 Q. It's to inform the community of  
8 what services SCCS are providing, correct, in  
9 part?

10 A. In part, yes.

11 Q. Do you recall this email from Ann  
12 Ream on April 19th, 2018?

13 I'm looking at the first email in  
14 the chain.

15 A. Okay. Yeah, I recall.

16 Q. She's asking you here for a stat,  
17 a percentage number for what she's referenced  
18 in the subject line of this email as an OP/ED  
19 piece, correct?

20 Do you know what that means?

21 A. No. I mean, I've heard the term.  
22 I know it's something like a letter to an  
23 editor or what-have-you.

24 Q. And do you know if there was any  
25 sort of opinion editorial or letter to the

1 editor that was created after this email?

2 A. I do not.

3 Q. In the email to you on April 19,  
4 2018, Ms. Reams is seeking a percentage  
5 number for the increase in the cost of  
6 placing and caring for children in agency  
7 custody who are not able to be safely  
8 maintained in their own homes, correct?

9 A. Yes. That's what she's asking  
10 for.

11 Q. And she says to you, "I can  
12 change the narrative to, quote, 'help', end  
13 quote, the argument of the increase in  
14 placement costs, if need be."

15 Do you know what she meant by  
16 that?

17 A. I do not.

18 Q. What did you take that to mean  
19 when you read that?

20 A. I don't know that I read much  
21 into that.

22 Q. Have you ever talked to Ms. Ream  
23 or anyone else at SCCS about creating a  
24 narrative to help the argument that there was  
25 an increase in placement costs and the

1 relationship of those costs to opioids?

2 A. Say that again?

3 Q. Sure.

4 Have you ever talked to Ms. Ream  
5 or anyone else at SCCS about creating a  
6 narrative to help the argument that there was  
7 an increase in placement costs and the  
8 relationship of those costs to opioids?

9 MR. PENDELL: Objection to form.

10 THE WITNESS: I don't know.

11 BY MS. HIBBERT:

12 Q. You respond to Ms. Ream on  
13 April 26th, the next email up in the chain,  
14 and you provide a stat, a percentage,  
15 2.98 percent of increase -- or total  
16 placement costs on average between 2012 and  
17 2017.

18 Do you see that?

19 A. Yes, I do.

20 Q. And you say, "You can word it to  
21 fit your narrative."

22 Do you know what -- do you recall  
23 what you meant by that sentence?

24 A. I was probably saying she could  
25 word it however she wanted to, you know, to

1 complete her op/ed.

2 Q. And you don't know what narrative  
3 she ultimately created using those numbers,  
4 do you?

5 A. I do not.

6 Q. Do you know how you came to  
7 determine that percentage, 2.98 percent?

8 A. Yes. I remember. Yes.

9 Q. How did you determine it?

10 A. Oh, I basically looked at the  
11 cost data from 2012 to 2017, calculating the  
12 increases and decreases, you know, between  
13 the different years, and then averaging --  
14 averaging those in order to come up with the  
15 \$337,200 and the 2.9 percent.

16 Q. And this is the total placement  
17 cost. That includes paid placement and  
18 foster care, correct?

19 A. In reading this, it likely only  
20 included paid placement.

21 Q. In your description to Ms. Ream  
22 on April 26, 2018, you say:

23 "Total placement costs, which  
24 includes both paid placement and  
25 foster care, has increased

1                   2.98 percent."

2                   A.    Oh, okay.

3                   Q.    Does that clarify?

4                   A.    Yeah.  I'm sorry.  I didn't --  
5                   yep.

6                   Q.    So it would include both?

7                   A.    It would include both.

8                   Q.    Are there costs associated with  
9                   any other placement, aside from paid  
10                  placement and foster care, that you have  
11                  elaborated or listed here?

12                  A.    No, there are not.

13                  Q.    You clarify later on in this  
14                  email chain that -- the last email on the  
15                  chain, May 17, 2018, that "The combined  
16                  average cost per day currently stands at  
17                  \$128.13."

18                  Do you see that?

19                  A.    Yes, I do.

20                  Q.    And is that, again, taking into  
21                  account both paid placements and foster care?

22                  A.    Yes, it would.

23                  Q.    Is that still the combined  
24                  average cost per day, to your knowledge?

25                  A.    No.  I would have to guess.  I'm



1           sure it has changed.

2                   Q.    Have you performed any analysis  
3           as to what the average cost per day is in the  
4           last three months?

5                   A.    I have average cost per day data  
6           related to the different placement settings,  
7           yes.

8                   Q.    Is that what you keep on an  
9           ongoing basis, a running basis?

10                  A.    Yes.

11                  Q.    What type of document do you keep  
12           that information in?

13                  A.    It's an electronic spreadsheet.

14                  Q.    Is that the same electronic  
15           spreadsheet that we were talking about  
16           earlier, the running spreadsheet that you  
17           keep of costs per child for paid placements?

18                  A.    I'm sorry. I got distracted.

19                           (Interruption in proceedings.)

20                   THE VIDEOGRAPHER: Off the  
21           record, 5:05.

22                           (Recess taken.)

23                   THE VIDEOGRAPHER: On the record,  
24           5:17.

25

1 BY MS. HIBBERT:

2 Q. Mr. Kearns, when we went off the  
3 record briefly there, I was clarifying what  
4 running spreadsheet you were referring to.  
5 And I believe you had testified that you had  
6 kept a running spreadsheet of the cost per --  
7 the cost per day, on average, for all  
8 placement paid and foster care.

9 Do you remember that testimony?

10 A. Yes, I do.

11 Q. Is that the same running  
12 spreadsheet that we had talked about earlier  
13 today when we were talking about the cost per  
14 child for paid placements?

15 A. Yes, it is.

16 Q. Do you keep any other running  
17 spreadsheets of data that looks at cost per  
18 day or cost per child for any other  
19 particular expenditure?

20 MR. PENDELL: Objection to form.

21 THE WITNESS: I have one also for  
22 the adoption payroll.

23 BY MS. HIBBERT:

24 Q. Is that a separate spreadsheet?

25 A. That would be a separate

1 spreadsheet, yes.

2 Q. Are either of those spreadsheets  
3 titled something in your electronic database?

4 A. They are, but I can't recall what  
5 the title is.

6 Q. Are you keeping the running  
7 spreadsheet of the cost per child for paid  
8 placements and the cost per day for all  
9 placements for any particular reason?

10 A. Again, I use it for cost  
11 projection purposes so that I can try and  
12 anticipate, you know, what our paid placement  
13 costs are going to be going forward.

14 Q. How long have you been  
15 maintaining that running spreadsheet?

16 A. I believe I asked for it probably  
17 in late 2016.

18 Q. Going back to the analyses that  
19 you performed in 2017 that are reflected in  
20 the calculations included in Exhibit  
21 Number 3, is it fair to say that you cannot  
22 identify any specific costs that you or SCCS  
23 contend are attributable --

24 (Reporter interruption.)

25 MS. HIBBERT: I'll restate it.

1 BY MS. HIBBERT:

2 Q. With regard to the analysis or  
3 assessment that you did back in 2017 that's  
4 reflected in the spreadsheet marked as  
5 Exhibit Number 3, is it fair to say that you  
6 cannot identify any specific costs that you  
7 or SCCS contends were attributable to the  
8 actions of any particular defendant?

9 MR. PENDELL: Objection to form.

10 THE WITNESS: That would be  
11 correct.

12 BY MS. HIBBERT:

13 Q. And that includes any  
14 manufacturer of any pharmaceutical, any  
15 distributor of pharmaceuticals, or any  
16 pharmacy distributing or filling  
17 prescriptions for a prescription opioid,  
18 correct?

19 MR. PENDELL: Objection to form.

20 THE WITNESS: Yes, that would be  
21 correct.

22 BY MS. HIBBERT:

23 Q. Is it fair to say too that you  
24 cannot quantify in dollars how much your  
25 expenditures or SCCS's expenditures have

1 increased as a result of any actions or  
2 inactions by any particular defendant in this  
3 case?

4 MR. PENDELL: Objection to form.

5 THE WITNESS: Yes. To identify  
6 the increase specifically to any single  
7 defendant, you know, we could not do  
8 that.

9 BY MS. HIBBERT:

10 Q. And that includes any  
11 manufacturer, any distributor, or any retail  
12 pharmacy, correct?

13 MR. PENDELL: Objection to form.

14 THE WITNESS: That would be  
15 correct.

16 MS. HIBBERT: I'm going to turn  
17 the questioning over now to my  
18 colleague, David.

19 Want to switch seats?

20 THE VIDEOGRAPHER: Off the  
21 record.

22 (Recess was taken.)

23 THE VIDEOGRAPHER: On the record,  
24 5:22.

25 ---

EXAMINATION

BY MR. HALLER:

Q. Hello, Mr. Kearns.

A. Hello.

Q. So we were just discussing per-child costs. The per-child costs that you have calculated, are those just direct costs, or have you also allocated, you know, salaries, benefits, and other overhead type items?

A. Those are just direct costs.

Q. If I could refer you back to Exhibit 7, which is the 2017 budget.

A. Okay.

Q. And if we look on page 14, this is one of the graphs, bar charts that we looked at previously on the top portion of that page. And that shows monthly average number of children in custody from 2006 to 2015, right?

A. Yes, it does.

Q. And we discussed how from 2006 and 2007 through at least 2012, the monthly average number of children in custody decreased, correct?

1           A.     That is what the -- yes.   That is  
2     what the data indicates.

3           Q.     And do you have any  
4     understanding, during that time period of  
5     2006 to 2012, whether the average cost per  
6     child was increasing, decreasing, or flat?

7                     MR. PENDELL:   Objection to form.

8                     THE WITNESS:   I do not.

9     BY MR. HALLER:

10           Q.     Would that be something you could  
11     calculate by looking at the -- you know, by  
12     taking the costs reflected in the budgets  
13     that we've looked at and dividing the direct  
14     cost numbers by the average monthly number of  
15     children in custody?

16           A.     Well, you could certainly create  
17     a rather rough estimate of the average cost  
18     per child by doing that, yes.

19           Q.     What is your view concerning the  
20     reason why the monthly average number of  
21     children in custody was significantly higher  
22     in 2006 and 2007 than the next five-year  
23     period after that?

24                     MR. PENDELL:   Objection to form.

25                     THE WITNESS:   My understanding --

1           and this is only from information that  
2           Julie Barnes has shared -- is that there  
3           was significant philosophical change at  
4           the State of Ohio, and that these  
5           reductions in children in custody was  
6           reflective of the state as a whole, in  
7           terms of, you know, how they approached  
8           taking children into custody or not.

9           BY MR. HALLER:

10           Q.     That was a desire on the part of  
11           the state to encourage more intact families  
12           and less separation; is that right?

13           A.     I don't know specifically what  
14           the change in philosophy was.

15           Q.     Do you have any understanding as  
16           to whether the State of Ohio has been  
17           changing its philosophy in the last several  
18           years concerning its aggressiveness in  
19           removing children?

20           A.     I do not know.

21           Q.     Can I refer you to Exhibit 11, or  
22           the committee minutes from -- it's titled  
23           "SSAB Budget and Levy Committee Minutes of  
24           September 5, 2017."

25           A.     Exhibit 11?



1 Q. Correct.

2 A. Yes.

3 Q. On the last page, the top bullet  
4 point states that "In terms of the operating  
5 levy, SCCS is trending ahead of where they  
6 were anticipating at \$25.7 million due to new  
7 construction activity in the county."

8 Do you see that?

9 A. Yes, I do.

10 Q. What new construction activity is  
11 that referring to?

12 A. I don't know specifically. I  
13 know that because of the design of our levy,  
14 as I had mentioned earlier, our dollar amount  
15 is fixed. So when property values increase  
16 in the county, we don't capture additional  
17 revenue.

18 But when new assets are  
19 constructed and then placed into use, we do  
20 receive additional levy revenue for those.  
21 So it could be new homes. It could be a new  
22 business.

23 So because the economy, I'm  
24 assuming, has been robust, we have seen new  
25 construction activity, and that has

1 contributed to a slight increase in our levy  
2 revenues.

3 Q. So these are new properties, I  
4 guess -- never mind. Strike that.

5 So your understanding is that the  
6 economy in Summit County recently has been  
7 robust enough that there's been increased  
8 construction leading to additional revenues  
9 under the levy; is that right?

10 A. That's my understanding, yes.

11 Q. If I could turn to Exhibit 3,  
12 please, which is your initial analysis of  
13 opioid-related expenditures.

14 A. Okay. Okay.

15 Q. At the time you prepared this  
16 analysis, did you believe it to be a  
17 reasonable estimate of the costs incurred by  
18 SCCS that were related to opioid-abuse  
19 issues?

20 A. Yes. At the time this  
21 spreadsheet was created, I felt that it was  
22 accurate at least for the purpose that we  
23 created it for.

24 Q. Did you believe it was accurate  
25 or a reasonable estimate at the time?

1           A.     Well, I guess accurate in terms  
2     of the math is correct. And, again, for the  
3     purpose that it was created, I felt it was  
4     reasonable.

5           Q.     And how did you feel about the  
6     30 percent figure that was supplied to you in  
7     terms of its accuracy or not?

8           A.     Well, my assumption was that it  
9     was accurate.

10          Q.     That was because it was based on  
11     a hand count?

12          A.     Yes.

13          Q.     Did you know what years the hand  
14     count covered?

15          A.     No. I'm not sure.

16          Q.     Did you ask which years were  
17     counted for purposes of the hand count?

18          A.     No, I did not.

19          Q.     Did it strike you as surprising  
20     that the number of opioid-related cases was  
21     exactly 30 percent in each of the years of  
22     2012, 2013, 2014, 2015, and 2016?

23                 MR. PENDELL: Objection to form.

24                 THE WITNESS: I know that Julie  
25     Barnes and I had a discussion related to

1           the use of 30 percent across those  
2           several years. But, again, at the time  
3           that we were asked to create this  
4           document, I didn't have any other  
5           information which to use.

6           BY MR. HALLER:

7                     Q.    I'm just trying to get into your  
8           head a bit. So you get this number -- you're  
9           a financial person. I assume it would be  
10          surprising to you at the time if somebody had  
11          done a hand count and reported back that the  
12          exact number was exactly 30 percent for each  
13          of these years.

14                    You assumed, I'm presuming, that  
15          that was some kind of an estimate, that the  
16          30 percent was an estimate, right?

17                   MR. PENDELL: Objection to form.

18                   THE WITNESS: I do not know if it  
19          was an estimate.

20           BY MR. HALLER:

21                   Q.    And I want to understand what was  
22          in your head. So did you believe that a hand  
23          count was done and that the result of the  
24          hand count was an exact 30.00 percent for  
25          each of these years?

1           A.    At this point in time, in 2017, I  
2           knew that the hand count didn't extend back  
3           to 2012. I was given the percentage and I  
4           used that to produce the document.

5           Q.    You didn't know how far back it  
6           extended, but you knew it didn't extend as  
7           far back was 2012; is that right?

8           A.    That would be correct.

9           Q.    Now, I assume that when a child  
10          is removed from the custody of one or both of  
11          the parents that there are often multiple  
12          reasons why that removal occurs; is that  
13          right?

14               MR. PENDELL:  Objection to form.

15               THE WITNESS:  I don't know.

16          BY MR. HALLER:

17               Q.    Is the child sometimes removed  
18          because one or both of the parents are  
19          beating the child?

20               MR. PENDELL:  Objection to form.

21               THE WITNESS:  I don't know.

22          BY MR. HALLER:

23               Q.    You have no idea whether the  
24          agency you work for has ever removed a child  
25          because of the physical abuse of the child by

1           one or both of the parents; is that right?

2                       MR. PENDELL: Objection to form.

3                       THE WITNESS: That information  
4                       isn't available to me.

5       BY MR. HALLER:

6                       Q.     So sitting here today, you have  
7                       no idea if this agency has ever removed a  
8                       child based on physical abuse; is that right?

9                       MR. PENDELL: Objection to form.  
10                      Asked and answered.

11       BY MR. HALLER:

12                      Q.     That occurs sometimes, right?  
13                      And you know that, right?

14                      MR. PENDELL: Objection to form.

15                      THE WITNESS: Well, yeah. So  
16                      that would be incorrect.

17       BY MR. HALLER:

18                      Q.     And sometimes a child is removed  
19                      because there's domestic violence in the  
20                      household from one spouse to the other,  
21                      correct?

22                      MR. PENDELL: Objection to form.

23                      THE WITNESS: I would believe so,  
24                      yes.

25

1 BY MR. HALLER:

2 Q. Do you have any understanding  
3 with regard to the hand count that was done,  
4 that if a child was removed because of  
5 physical violence against the child or  
6 domestic violence as between the spouses, and  
7 one of those spouses also had an addiction to  
8 an opioid, how that particular removal was  
9 coded?

10 MR. PENDELL: Objection to form.

11 THE WITNESS: I do not know how  
12 that would be coded.

13 BY MR. HALLER:

14 Q. Under the analysis that was  
15 reflected in Kearns Exhibit 10, do you know  
16 how such a removal would be coded?

17 A. I do not.

18 Q. You said that Exhibit 10 gave you  
19 some comfort after the fact with regard to  
20 the 30 percent figure you had previously  
21 used; is that right?

22 A. That's correct.

23 Q. And that's because the 2016  
24 figure in this document was 27 percent; is  
25 that right?

1 A. Yes.

2 Q. And did it give you any concern  
3 that the 2017 figure was 21 percent?

4 Or put another way, if the  
5 27 percent figure was giving you comfort, was  
6 the 21 percent figure giving you discomfort?

7 MR. PENDELL: Objection to form.

8 THE WITNESS: No. Because in  
9 discussion with Julie Barnes, she  
10 indicated to me that these numbers are  
11 more than likely underrepresented.

12 BY MR. HALLER:

13 Q. What explanation did she give to  
14 you with regard to why she thought they were  
15 underrepresented?

16 A. To my understanding, it was based  
17 on the methodology that was used to pull the  
18 data from SACWIS and the fact that  
19 caseworkers may or may not have been coding  
20 things properly even to this day.

21 Q. There's a footnote with regard to  
22 the first half of -- well, with regard to  
23 2015, right? And the footnote on page 1 says  
24 that 2015 might be understated.

25 There's no footnote stating that



1           2016 or 2017 might be understated; is that  
2           right?

3                   A.     That's correct.

4                   Q.     And what is the reason, if any,  
5           that you think 2016 or 2017 might be  
6           understated?

7                           MR. PENDELL:   Objection to form.

8                           THE WITNESS:   Other than the  
9           conversation that I had with  
10          Julie Barnes, I don't have any data on  
11          which to make that assumption.

12       BY MR. HALLER:

13                  Q.     And she didn't detail to you the  
14          reasons why; is that right?

15                  A.     She did not.

16                  Q.     Now, the bullets at the top half  
17          of the first page of Exhibit 10 suggest that  
18          the coding as to whether or not a removal was  
19          opioid-related depended on the reunification  
20          case plan and whether one or both of the  
21          adults or caretakers had a substance abuse or  
22          addiction characteristic; is that right?

23                  A.     That appears to be correct, yes.

24                  Q.     Then if the reunification plan  
25          suggested that one of the adults or

1            caretakers who were going to after the  
2            removal obtain custody of the child had a  
3            substance abuse issue, that the removal  
4            itself was then retroactively believed to  
5            have been related to opioids; is that right?

6            A.     Could you restate that? Could  
7            you repeat it?

8            Q.     I assume a reunification plan is  
9            later in time than a removal, correct?

10           MR. PENDELL: Objection to form.

11           THE WITNESS: Yes, it is.

12           BY MR. HALLER:

13           Q.     And as I understand these bullets  
14           at the top of the page, it determines whether  
15           the original removal was opioid-related or  
16           not based on what's noted in a reunification  
17           plan, correct?

18           MR. PENDELL: Objection to form.

19           THE WITNESS: I'm not certain.

20           BY MR. HALLER:

21           Q.     So going back to my other  
22           example, if a parent is beating a child and  
23           the child is removed, but then the child is  
24           going to be reunified with some other adult  
25           who has an opioid addiction, that's going to

1 be coded as an opioid removal, correct?

2 MR. PENDELL: Objection to form.

3 BY MS. HIBBERT:

4 Q. Is that your understanding of  
5 these bullets?

6 MR. PENDELL: Objection to form.

7 THE WITNESS: I don't know. I do  
8 not work in SACWIS. I don't know how it  
9 would be coded.

10 BY MR. HALLER:

11 Q. And I want to know, when you read  
12 this, what was your understanding of the  
13 situation that I just described?

14 MR. PENDELL: Objection to form.

15 THE WITNESS: Your scenario  
16 appears to be correct.

17 BY MR. HALLER:

18 Q. Did it give you any discomfort  
19 that in 2015, 16 percent of total removals,  
20 according to this methodology, were coded as  
21 an opioid removal? Which is about half of  
22 the 30 percent you used.

23 A. Well, given the backdrop that the  
24 state had not really started encouraging  
25 counties to enter substance abuse and

1 addiction characteristics until 2016, I  
2 wasn't uncomfortable with the 30 percent.

3 Q. Now, in your analysis in  
4 Exhibit 3, you applied the 30 percent also to  
5 the years 2012 through 2014, correct?

6 A. That is correct.

7 Q. And the methodology reflected on  
8 Exhibit 10 was not possible to apply for  
9 those years, right, because the reunification  
10 plans were not coded with respect to whether  
11 or not an opioid was involved, correct?

12 A. That would be accurate.

13 Q. So as we sit here today, we still  
14 don't know, even under this methodology, what  
15 the right percentage would be for 2012  
16 through 2014, right?

17 A. Yes. That would be accurate.

18 Q. Now, on the last page of  
19 Exhibit 3, there are references to certain  
20 grant expenses. Can you describe what those  
21 are in terms of -- you know, categorically  
22 what a grant-specific expense is?

23 A. What line item are you referring  
24 to?

25 Q. Well, for example, under

1 "Grant-specific expenses" there's a bunch of  
2 items. It's the second grouping of items on  
3 that last page.

4 A. Okay.

5 Q. So can you describe what that  
6 category means, what a grant-specific expense  
7 is?

8 A. Well, there are several costs  
9 that are captured in that category, but  
10 specifically, we captured expenses that were  
11 directly attributable to grants.

12 Q. So you mean the cost of filling  
13 out a grant application, submitting it? Is  
14 that what this is capturing?

15 A. No. This would be the cost for  
16 actually, you know, running the grant,  
17 incurring the costs, you know, the personnel,  
18 the supplies, the contracted services, those  
19 sorts of items.

20 Q. Maybe I'm thinking about this --  
21 I'm sure I'm thinking about this  
22 simplistically, but I thought a grant was  
23 revenue to your agency, not an expense.

24 A. Because of our financial system,  
25 we have to account for both the expenditure

1           and the revenue because we have to establish  
2           a budget and then we have to live within  
3           that.

4                       For grants where we have to make  
5           expenditures and then ask for reimbursement,  
6           we have to capture that data on the  
7           expenditure side and then also show it on the  
8           revenue side.

9                       Q.    And you applied the 30 percent  
10          figure to these grant items, right?

11                      A.    Yes.   It appears that I did.

12                      Q.    And so it was your view at the  
13          time that 30 percent of the grants received  
14          by your agency were related to opioids in  
15          some way; is that right?

16                      A.    They were child-specific costs  
17          that, yes, we applied the 30 percent average  
18          to.

19                      Q.    So were you -- with regard to  
20          that 30 percent of revenue that was coming  
21          in, were you viewing that as a credit against  
22          the expenses that your agency was incurring?

23                      A.    Yes.   The revenue would offset  
24          the expenses.

25                      Q.    If we were to come up with a

1 bottom-line figure for the analysis you did  
2 here, we would take the 30 percent expenses  
3 and reduce it by 30 percent of the grants; is  
4 that right?

5 MR. PENDELL: Objection to form.

6 THE WITNESS: For those expenses  
7 specifically related to grants?

8 BY MR. HALLER:

9 Q. Right.

10 A. Yes.

11 Q. Now, subsequent to the analysis  
12 you -- well, before I get there, what data  
13 system or database did you query to generate  
14 Exhibit 3?

15 A. Well, this was data taken from  
16 the Banner financial system.

17 Q. And earlier Ms. Hibbert was  
18 asking whether you had the capacity to run a  
19 report off of Banner, and I thought you said  
20 no. Did I mishear that?

21 MR. PENDELL: Objection to form.

22 THE WITNESS: No. I don't think  
23 you misheard that.

24 BY MR. HALLER:

25 Q. But somehow you were able to run

1 a report off of Banner for Exhibit 3; is that  
2 right?

3 MR. PENDELL: Objection to form.

4 Go ahead.

5 THE WITNESS: Sure.

6 Bob King, my director of finance,  
7 pulled the data down and put it into an  
8 Excel spreadsheet and then I queried the  
9 data from there.

10 BY MR. HALLER:

11 Q. So when you answered  
12 Ms. Hibbert's question as to whether you  
13 could generate a report from Banner and you  
14 said no, you meant that you personally could  
15 not, but your staff could; is that right?

16 A. That is correct.

17 Q. Is Mr. King the person in your  
18 agency most knowledgeable concerning the  
19 Banner system?

20 MR. PENDELL: Objection to form.

21 THE WITNESS: Yes. He would be.

22 BY MR. HALLER:

23 Q. Now, subsequent to this  
24 Exhibit 3, you engaged in two different  
25 analyses that you believed were a more



1 accurate reflection of the opioid-related  
2 costs in your agency; is that right?

3 MR. PENDELL: Objection to form.

4 THE WITNESS: I'm sorry. Did you  
5 say subsequent to this?

6 BY MR. HALLER:

7 Q. Right. I thought I heard you  
8 testify earlier today that there were two  
9 different occasions where you modified this  
10 analysis to come up with what you currently  
11 believe is a more accurate analysis of the  
12 opioid-related costs to your agency.

13 Is that right or not?

14 MR. PENDELL: Objection to form.

15 THE WITNESS: Yes. There have  
16 been revisions to this.

17 BY MR. HALLER:

18 Q. And you believe those revisions  
19 to more accurately reflect the costs that  
20 your agency has incurred related to the  
21 opioid issues; is that right?

22 MR. PENDELL: Objection to form.

23 THE WITNESS: I would say yes.

24 BY MR. HALLER:

25 Q. But you're not willing today to

1           testify concerning those revised estimates  
2           because your lawyer is instructing you not  
3           to; is that right?

4                   A.     Yes.

5                   MR. PENDELL:   Objection.  
6           Objection.

7                   MR. HALLER:   Are you willing to  
8           let him testify concerning those  
9           revisions?

10                   MR. PENDELL:   No.

11                   MR. HALLER:   So can you explain  
12           the objection?

13                   MR. PENDELL:   The objection was  
14           whether -- your question was "You're not  
15           willing today."   He's not doing it  
16           because he was instructed not to.  
17           Whether he's willing or not is  
18           irrelevant.

19                   I'm also objecting because this  
20           is now your third or fourth attempt  
21           collectively to make an end run around  
22           something, the attorney-client privilege  
23           and work product doctrine.

24                   So that's my objection.

25                   MR. HALLER:   I haven't yet asked

1 him at all about the substance of those  
2 revisions. My question is whether he's  
3 willing to testify to them or not --

4 MR. PENDELL: And that's already  
5 been --

6 MR. HALLER: -- based on your  
7 instruction.

8 MR. PENDELL: And I don't mean to  
9 interrupt you, but that's already been  
10 stated on the record more than once.

11 BY MR. HALLER:

12 Q. And as we sit here today, you  
13 believe that Exhibit 3 is no longer an  
14 accurate reflection of the costs that your  
15 agency has incurred as a result of  
16 opioid-related issues; is that right?

17 MR. PENDELL: Objection to form.

18 MR. ARNOLD: Form.

19 THE WITNESS: I would say that  
20 Exhibit 3 was valid at the time that it  
21 was created and for the purpose that we  
22 created it.

23 BY MR. HALLER:

24 Q. But as we sit here today, you no  
25 longer believe it to be valid and accurate;

1 is that right?

2 MR. PENDELL: Objection. Asked  
3 and answered.

4 MR. ARNOLD: Asked and answered.

5 BY MR. HALLER:

6 Q. Their objections are -- they  
7 believe I've asked that question before. But  
8 I'm entitled to actually -- even if I did,  
9 which I disagree with, I'm entitled to ask it  
10 again. So if you would answer it again, that  
11 would be great.

12 MR. PENDELL: I object to that  
13 too. But you're entitled -- you're not  
14 the arbiter of what you're entitled to,  
15 so -- I will direct my witness. Thank  
16 you.

17 MR. HALLER: Are you directing  
18 him not to answer that question?

19 MR. PENDELL: No, that's not at  
20 all. I'm instructing you that I'm going  
21 to direct him and you are not.

22 BY MR. HALLER:

23 Q. So that's the point. He's not  
24 instructing you not to answer, so you can go  
25 ahead.

1           A.     Would you go ahead and ask the  
2           question again?

3           Q.     Yeah.   I'm sorry.

4                     But as you sit here today, you  
5           don't believe any longer that Exhibit 3 is an  
6           accurate reflection of the costs incurred by  
7           your agency related to opioid issues; is that  
8           right?

9                     MR. PENDELL:   Objection to form.  
10          Asked and answered.

11                    THE WITNESS:   I do believe that  
12          there is a more accurate representation.

13          BY MR. HALLER:

14                    Q.     On the first page of your  
15          analysis, which is Exhibit 3, there's a  
16          category, "Replacement cost analysis," and a  
17          second category, "Foster home expense."

18                    Do you see that?

19                    A.     Yes, I do.

20                    Q.     And then one of the sub  
21          subcategories is "kinship care stipend."

22                    Can you explain to me what a  
23          kinship care stipend is?

24                    A.     A kinship care stipend is  
25          essentially when we place a child in a

1 kinship setting. There is a monthly stipend  
2 that that kinship caregiver receives. And  
3 that is a kinship care stipend.

4 Q. And are kinship care stipends  
5 subsidized or reimbursed through a grant?

6 A. No, they are not.

7 Q. So on the next page where we have  
8 "kinship incentive" under the grant-specific  
9 expenses, can you explain what a kinship  
10 incentive is?

11 A. I can.

12 Q. Would you, please?

13 A. Yes. A kinship incentive --  
14 actually, it's something that is exclusive to  
15 some accounting. We have elected to add an  
16 incentive for somebody volunteering to be a  
17 kinship placement.

18 Q. And who funds the kinship  
19 incentive?

20 A. We do, Summit County Children  
21 Services.

22 Q. Is there any IV-E eligibility  
23 that relates to kinship or that's driven by a  
24 kinship placement?

25 A. A kinship placement, a child

1           could be IV-E eligible, but they would not be  
2           reimbursable.

3                   Q.     What does that mean to be  
4           eligible but not reimbursable?

5                   A.     In order to be reimbursable,  
6           there are certain criteria that the placement  
7           setting has to achieve, one of which is to be  
8           a licensed setting. Our kinship providers  
9           are not licensed; therefore, they are not  
10          reimbursable.

11                  Q.     In what way is a kinship  
12          incentive a grant-specific expense? What is  
13          the relationship between a kinship incentive  
14          and a grant?

15                  A.     I don't know that it is. I  
16          wasn't responsible for establishing the  
17          structure, the cost structure that you see.  
18          So kinship incentive is not necessarily a  
19          grant-specific expense. It's simply where my  
20          predecessor and perhaps his predecessor  
21          before him decided to put the kinship  
22          incentive costs.

23                  Q.     The ESAA Preservation below that  
24          is, in fact, a grant; is that right?

25                  A.     It is not.

1 Q. What is that?

2 A. ESAA Preservation is an  
3 allocation that we receive from the State of  
4 Ohio, so it is state-funded. Again, as  
5 explained earlier, we have to meet certain  
6 criteria in order to access those funds in  
7 terms of preservation activities.

8 Q. But from the perspective of  
9 Summit County, the ESAA Preservation amount  
10 is paid to it by the State of Ohio, correct?

11 A. Those are state funds, yes.

12 Q. Okay. And the kinship incentive  
13 of \$308,000, are those county funds or state  
14 funds?

15 A. The kinship incentive would be  
16 county funds.

17 Q. What about the other funds  
18 beneath ESAA Preservation? Are those state  
19 or county funds?

20 A. Differential response. That was  
21 state funding, I believe. Obviously, we  
22 don't receive any of those funds any longer.

23 Non-recurring adoption expense  
24 is -- I think that is state-funded.

25 Independent living is a federal funding



1 stream.

2 Foster parent training stipend,  
3 that's -- actually, I'm not certain where we  
4 fund that from.

5 And obviously, grant-specific  
6 expense, there are several items that fall  
7 into that. Some could be federal. Some  
8 could be state. Some could be local.

9 Q. With regard to your Exhibit 3  
10 analysis, why did you go back to 2012 and no  
11 further?

12 I guess that's two questions.  
13 First, why did you go back to 2012 and not,  
14 say, 2013? And second, why didn't you go  
15 back earlier than 2012?

16 MR. PENDELL: Objection.

17 THE WITNESS: I don't know.

18 BY MR. HALLER:

19 Q. Did somebody ask you to go to  
20 2012?

21 MR. PENDELL: Objection to form.

22 THE WITNESS: Yes. I believe  
23 Julie Barnes asked me to go back to  
24 2012.

25

1 BY MR. HALLER:

2 Q. And did she tell you why?

3 A. Not that I recall, no.

4 Q. Did she tell you that the reason  
5 to start in 2012 was because -- again, look  
6 back to Kearns Exhibit 7 -- that was the year  
7 when the monthly average number of children  
8 in custody stopped going down and started  
9 increasing again?

10 MR. PENDELL: Objection to form.

11 THE WITNESS: I do not know if  
12 that was her reasoning.

13 BY MR. HALLER:

14 Q. Mr. Kearns, where did you get the  
15 STARS grant expenditure entries for your  
16 Exhibit 3 analysis?

17 A. The STARS grant expenditures? Is  
18 that what you're asking?

19 Q. Yes.

20 A. I likely pulled those from --  
21 what's the website called? -- I likely pulled  
22 those from the Payment Management System  
23 website.

24 Q. If I could refer you to page 22  
25 of Exhibit 7. And if you could keep your

1 Exhibit 3 open at the same time.

2 A. Okay. I'm sorry. What was the  
3 other --

4 Q. Exhibit 7, page 22.

5 A. Okay.

6 Q. I'm looking at the 2014 numbers  
7 for STARS grant.

8 A. Okay.

9 Q. In the financial statement in  
10 Exhibit 7, the STARS grant figure is  
11 \$412,523.

12 A. Yes. I see that.

13 Q. And that doesn't match with any  
14 of the STARS numbers in your Exhibit 3  
15 analysis.

16 Do you know why?

17 A. No. I do not know.

18 Q. Do you know why the 2015 numbers  
19 are different as between the two documents?

20 A. No. I do not know.

21 Q. Now, the bar graphs that we were  
22 looking at previously on page 14 of  
23 Exhibit 7, that table goes back to 2006.

24 Does your agency have the data by  
25 which one could go further back in time to

1           see the monthly average number of children in  
2           custody?

3                   A.     I am uncertain.

4                   Q.     Do you know which database was  
5           queried to generate the bar chart on page 14?

6                   A.     No, I do not.

7                   Q.     I want to go back.   You've said a  
8           couple times that the amount your agency  
9           receives by virtue of the levy is a set  
10          amount and doesn't go up when property values  
11          go up.   You said one exception to that is for  
12          new construction.   But for existing  
13          construction, the amount doesn't go up even  
14          if property values go up; is that right?

15                  A.     I don't understand -- I think I  
16          understand, but I want to make sure I  
17          understand so I don't answer incorrectly.

18                  Q.     I'm guessing that you understand  
19          and I don't, so my questions are trying to  
20          get me to the same point that you are.

21                  A.     Okay.

22                  Q.     And I'm just sort of reorienting  
23          us a bit.

24                           Do you recall the fact that  
25          you've stated a couple of times today that

1           your agency receives a set amount by virtue  
2           of the levy and that it doesn't go up if  
3           property values go up, correct?

4                   A.     Yes.   That's correct.

5                   Q.     And when you say that, do you  
6           limit that to a particular levy period, that  
7           it doesn't go up within that levy period, but  
8           then would it reset when a new levy was put  
9           into place?

10                   A.     Yes.   Exactly.

11                   Q.     So property values are going up,  
12           and it resets at the new levy.   And then  
13           there is some increase that's received by  
14           virtue of the increase in property values,  
15           correct?

16                   A.     Yes.   When a new tax is levied,  
17           it would be levied against the property  
18           values at that point in time.

19                   Q.     Now, from a taxpayer perspective,  
20           do they pay their portion of this levy once  
21           every levy period or do they pay it on an  
22           annual basis?

23                   A.     They pay twice during the levy  
24           period.

25                   Q.     Once every three years or

1 something?

2 A. I'm sorry. They pay once -- they  
3 pay twice a year. Twice a year.

4 Q. And the mill rate, remind me, was  
5 what, 2.25 or something?

6 A. Yes. Our current levy is 2.25  
7 mill.

8 Q. And that's going to go up by  
9 approximately one mill; is that right?

10 A. That is correct.

11 Q. Now, on Exhibit -- Kearns  
12 Exhibit 6, which is this annual report, 2016  
13 annual report, where it refers to the  
14 operating levy in the summary financial  
15 statement that appears on page 4?

16 A. Okay.

17 Q. It says "Net" after the term  
18 "operating levy." What does the term "net"  
19 mean?

20 A. Net indicates that our county  
21 fiscal office actually has fees that they  
22 charge for the collection of the tax. So the  
23 \$25.2 million is net of the fees and  
24 delinquent collections that our county fiscal  
25 office charges against the levy.

1           Q.    Now, what's the county mill rate  
2           at this point? Is it like 10.7 or 11.7? Do  
3           you know?

4           A.    I don't know that.

5           Q.    And when a taxpayer receives a  
6           bill, do they see Summit County Children  
7           Services millage charge as a separate item or  
8           is it included within a different line item  
9           on their tax bill?

10          A.    I can only speak from the  
11          perspective of Wayne County. That's where I  
12          live.

13          Q.    Okay.

14          A.    And, yes, we see it separately in  
15          Wayne County. But I'm uncertain for  
16          Summit County.

17          Q.    And is the Wayne County bill rate  
18          for its children services agency greater or  
19          lesser than 2.25 mill?

20          A.    I would have to guess. I believe  
21          it's less, but I'm really guessing.

22          Q.    I take it you're guessing because  
23          you just don't remember. You've seen the  
24          bill before, but you're not picturing it in  
25          your mind; is that right?

1 A. That would be correct.

2 Q. Now, as we sit here today, how  
3 far out have you projected the expenses of  
4 Summit County Children Services agency?

5 A. I believe we have projected out  
6 to 2032.

7 MR. HALLER: Do you know if  
8 that's been produced, those projections?

9 BY MR. HALLER:

10 Q. I take it -- have you provided  
11 those projections to your lawyer in this  
12 case?

13 A. No. They were not requested.

14 Q. If I can refer you to page 21 of  
15 Kearns Exhibit 7.

16 A. Okay.

17 Q. If we compare the benefits  
18 expenditures from 2008 -- well, let me strike  
19 that. Let me start over.

20 If we look at the total operating  
21 expenditures as between 2008 and the 2019  
22 projected expenditures, there's about a  
23 \$3 million difference, give or take, correct?

24 A. Yes, there is.

25 Q. So it's projected that in 2019,



1           about \$3 million more will be spent than was  
2           spent in 2008, right?

3                     That's just saying the same thing  
4           in a different way.

5           A.     Well, it is, but you also -- I  
6           think I should note that the 2008 are actual  
7           expenses --

8           Q.     Right.

9           A.     -- as compared to the 2019  
10          projected.

11          Q.     Right. So it's projected that in  
12          2019 it will cost the agency about \$3,000  
13          more than it cost them actually in 2008,  
14          right?

15          A.     Yes.

16          Q.     And if I try to determine the  
17          components of that increase, one of the lines  
18          I'm looking at is the benefits line.

19                     And the benefits paid in 2008  
20          were 6.5 or \$6.6 million, whereas the  
21          projected benefits paid to employees in 2019  
22          is \$9.4 million, right?

23          A.     Yes. According to the data,  
24          that's correct.

25          Q.     So it's projected that agency

1 employees will be paid about \$3 million more  
2 in benefits in 2019 than they were actually  
3 paid in 2008, right?

4 A. That is the current projection,  
5 yes.

6 Q. Do you know why benefits payments  
7 are projected to increase so substantially in  
8 relation to 2008?

9 A. My initial guess would be  
10 healthcare costs.

11 Q. And by healthcare costs, are  
12 agency employees provided with insurance?

13 A. Yes.

14 Q. So insurance costs are projected  
15 to be higher in 2019 than they were in 2008;  
16 is that your assumption?

17 A. That is correct.

18 Q. And the other item that has  
19 changed significantly, 2008 versus the 2019  
20 projections, are payroll, right? It's  
21 projected that about slightly less than a  
22 million dollars will be paid, you know, more  
23 in 2019 than was paid in 2008; is that right?

24 A. Yes. According to the data, we  
25 are projecting more payroll.

1 Q. And do you know whether that  
2 projected payroll figure of \$20.5 million is  
3 higher than the 2008 actual payroll because  
4 of headcount or because of higher per-person  
5 salaries?

6 A. It would be because of salaries.

7 Q. And do you have a -- do you have  
8 an assumption as to whether headcount in 2019  
9 is projected to be greater or lesser than  
10 actual headcount in 2008?

11 A. I believe that we're still -- we  
12 will be below where the headcount was in  
13 2008.

14 Q. Could you please look at  
15 footnote 5 to that financial statement, the  
16 operating forecast?

17 And can you please explain to me  
18 what is being referred to by the reference to  
19 "new programs that are being designed," and  
20 how those are anticipated to decrease paid  
21 outside placement costs?

22 A. Yes. My -- again, it's a rather  
23 ancillary understanding, is that what's  
24 called a Rapid Response program has been put  
25 in place to where when a child the identified

1 as a potential for removal, we have a -- I  
2 believe it's a contract with a service  
3 provider that they would go into the home  
4 immediately and provide some intensive  
5 services to try and keep the child from  
6 coming into custody.

7 Q. Which would decrease the number  
8 of children in custody; is that right?

9 I guess, again, referring back to  
10 page 14 in the bar chart of the monthly  
11 average number of children in custody, which  
12 was going down steadily until 2012, but then  
13 has been increasing slightly since then.

14 Is it the hope of that new  
15 program that we'll begin to see a decrease in  
16 the monthly average number of children in  
17 custody?

18 A. Well, the hope was, yes, to  
19 either see a decrease or at least a leveling  
20 off, yes.

21 Q. Now, the hand count done by --  
22 Ms. Geffken?

23 A. Geffken.

24 Q. Yeah. Do you know whether she  
25 prepared any hard-copy report or analysis of

1 the work she did?

2 A. I do not know.

3 Q. Okay. And did your lawyers  
4 request that you look for that and produce it  
5 to us in this matter?

6 A. I'm uncertain. I don't know.

7 Q. Okay. So yesterday, when there  
8 were documents -- we've obviously identified  
9 during the course of the deposition today  
10 various documents, including a hand count  
11 analysis and various other things.

12 It was your preference yesterday  
13 that we send you a letter concerning those  
14 items rather than list them right now on the  
15 record. Does that make sense?

16 A. Yes.

17 MR. HALLER: So we'll do that.  
18 I'm not putting it on the record right  
19 now, but instead I will follow up or one  
20 of my colleagues will follow up with a  
21 letter.

22 MS. HIBBERT: And we'll reserve  
23 the right to keep this deposition -- or  
24 reopen this deposition at the time that  
25 we do obtain additional documents that

1           should have produced before the  
2           deposition.

3                   MR. PENDELL: I object to your  
4           keeping the deposition open. We  
5           obviously don't agree to that.

6                   MS. HIBBERT: Noted.

7                   MR. HALLER: I'm sure everyone is  
8           reserving all their rights from now and  
9           in perpetuity.

10                   For today, I have no further  
11           questions, and I don't think anyone else  
12           does either.

13                   Anyone on the phone have any  
14           questions?

15                   MS. IKEDA: I have no questions.

16                   MR. HALLER: Okay. Thank you.

17                   THE VIDEOGRAPHER: Off the  
18           record, 6:18.

19                   (Recess taken.)

20                   THE VIDEOGRAPHER: On the record,  
21           6:37.

22                   MR. PENDELL: Mr. Kearns, it's  
23           been a long day and we all appreciate  
24           your time and you being here. We just  
25           have a couple of quick questions before

1 we conclude.

2 ---

3 EXAMINATION

4 BY MR. PENDELL:

5 Q. Would you agree that SCCS's  
6 ability to respond to the opioid crisis is  
7 constrained by the revenue available to SCCS?

8 MR. HALLER: Objection to form,  
9 leading.

10 MS. HIBBERT: Join.

11 THE WITNESS: Yes.

12 BY MR. PENDELL:

13 Q. Mr. Kearns, is there an opioid  
14 crisis in this community?

15 MR. HALLER: Objection. No  
16 foundation.

17 MS. HIBBERT: Join.

18 THE WITNESS: Yes, I believe  
19 there is.

20 BY MR. PENDELL:

21 Q. And is your belief formed by any  
22 personal experience?

23 A. Yes, it is.

24 Q. Would you be comfortable sharing  
25 that personal experience with the jury?

1                   A.     Yes.

2                             I have a brother-in-law whom I  
3     watched go in and out of treatment  
4     facilities, I think it's been four times now,  
5     for opiate-related addiction.

6                             I have had to experience sitting  
7     with him in a hospital room -- sorry --  
8     waiting to see whether he was going to live  
9     or die.

10                            His father, who has had to lock  
11     his prescription drugs, his prescription  
12     opiates, in a safe to keep his son from  
13     stealing them and consuming them. I have  
14     done the same with those that are in my home,  
15     because he has at times had access to my  
16     home.

17                            So I have watched his opioid  
18     addiction devastate him, his parents, and my  
19     wife, along with myself, because I do care  
20     for him.

21                            Q.     To your knowledge, did your  
22     brother-in-law's addiction begin with an  
23     addiction to prescription opioids?

24                            MS. HIBBERT:   Objection to form.

25                            THE WITNESS:   To my knowledge,



1                   yes, it did.

2                   MR. PENDELL: We thank you very  
3 much for your time. We have no more  
4 questions.

5                   MR. HALLER: I have some  
6 questions.

7                   MR. PENDELL: Just for the  
8 record, you have three minutes and 25  
9 seconds.

10                  MR. HALLER: It's nine minutes.

11                  MR. PENDELL: We're now on  
12 cross-examination and you get minute for  
13 minute after me. That's what the  
14 protective order says, the CMO in this  
15 case, so you have three minutes and 25  
16 seconds.

17                  MR. HALLER: I disagree with  
18 that.

19                  MR. PENDELL: You're getting  
20 three minutes and 25 seconds.

21                  MR. HALLER: I disagree.

22                  MR. PENDELL: At three minutes  
23 and 25 seconds, we're leaving the room,  
24 just so you know.

25

1

---

2

RE-EXAMINATION

3

BY MR. HALLER:

4

Q. Mr. Kearns, what's your

5

brother-in-law's name?

6

MR. PENDELL: Objection. He's

7

not going to identify who his

8

brother-in-law is on the record. He's

9

not going to provide you that

10

information.

11

BY MR. HALLER:

12

Q. Where does he live?

13

MR. PENDELL: You can give him

14

the general vicinity of where he lives.

15

THE WITNESS: Ashland County.

16

BY MR. HALLER:

17

Q. What's his address?

18

MR. PENDELL: We object to

19

providing his address.

20

BY MR. HALLER:

21

Q. What's his father's address?

22

MR. PENDELL: We object to him

23

giving his father's address.

24

BY MR. HALLER:

25

Q. What's his father's name?

1 MR. PENDELL: We object to  
2 identifying who his father is as well.

3 MR. HALLER: Are you instructing  
4 him not to answer?

5 MR. PENDELL: I am, because these  
6 are real people's lives, and you're not  
7 going to find out where they live, sir.

8 (Instruction given.)

9 MR. HALLER: You opened the door.

10 MR. PENDELL: That's fine.

11 BY MR. HALLER:

12 Q. Did your brother-in-law once have  
13 a legitimate medical need for a prescription  
14 opioid?

15 A. He did.

16 Q. And what gave rise to that  
17 legitimate need?

18 A. An automobile accident.

19 Q. Did you once have a legitimate  
20 need for prescription opioids?

21 A. I have been prescribed  
22 prescription opioids, yes.

23 Q. And they are in your medicine  
24 cabinet which you now lock; is that right?

25 A. They are in my safe.

1 Q. In your safe.

2 And what was the need that led  
3 you to obtain the prescription for the  
4 opioids?

5 A. I had a cyst removed from the  
6 back of my neck.

7 Q. And what was the drug that you  
8 were prescribed?

9 A. Oxycodone.

10 Q. Did the father that you mentioned  
11 have a legitimate medical need for a  
12 prescription opioid?

13 A. Yes, he did.

14 Q. And what was that?

15 A. It was a work-related accident.

16 Q. And what was the nature of the  
17 accident?

18 A. He fell off the back of a flatbed  
19 truck and injured his back.

20 Q. Prior to the prescription opioid  
21 addiction that your brother-in-law had, did  
22 he have any previous addictions to any  
23 substance?

24 A. Not that I know of.

25 Q. Did he drink heavily?

1 A. I am uncertain.

2 Q. What treatment has your  
3 brother-in-law received for his addiction?

4 A. I only know that he's been in and  
5 out of facilities. I don't know the specific  
6 treatment regimen that he received.

7 Q. Did he come to abuse any opioid  
8 other than a prescription opioid?

9 A. I am uncertain.

10 Q. Do you understand him to have  
11 ever used heroin?

12 A. I'm sorry?

13 Q. Do you understand him to have  
14 ever used heroin?

15 A. Not to my knowledge.

16 Q. Do you understand him to have  
17 ever used fentanyl?

18 A. I'm uncertain.

19 Q. What do you understand the  
20 prescription opioids to be that he has used?

21 A. Percocet is one that I know.

22 Q. Any others?

23 A. Not to my knowledge.

24 Q. When he had his legitimate  
25 medical need, was his prescription covered by

1 or paid for by insurance?

2 A. I believe so.

3 Q. What insurance?

4 A. That I don't know.

5 Q. Has he ever been on Medicare or  
6 Medicaid?

7 A. Yes.

8 Q. Did Medicaid pay for his  
9 prescription opioid?

10 A. I don't know.

11 Q. Is he currently on Medicaid?

12 MR. PENDELL: That's it.

13 THE WITNESS: Yes.

14 BY MR. HALLER:

15 Q. Does he have any private  
16 insurance?

17 MR. PENDELL: We are done  
18 answering questions. Three minutes and  
19 25 seconds. That's it.

20 MR. HALLER: Obviously, I'll make  
21 clear for the record that I have  
22 additional questions.

23 It's obviously my position that  
24 you sprung this personal story on, and  
25 it's now fair game for questioning and

1                   discovery. And we'll be sending our  
2                   discovery requests concerning this  
3                   issue.

4                   MR. PENDELL: It was my turn to  
5                   ask questions, sir. You had plenty of  
6                   time to ask questions, and now it's my  
7                   turn.

8                   MR. HALLER: We've both stated  
9                   our positions.

10                  MS. HIBBERT: I also -- before we  
11                  go off the record, I want to understand  
12                  the basis of your objection and  
13                  instruction for your witness not to  
14                  answer the questions about the identity  
15                  of his brother-in-law.

16                  MR. PENDELL: Because that is a  
17                  private individual. He was telling his  
18                  story. He is not here to out his  
19                  brother-in-law so that folks can find  
20                  out where he lives and harass him and  
21                  embarrass him. That's not the purpose  
22                  of the story.

23                  MS. HIBBERT: So it's not raising  
24                  any privilege objection, just to be  
25                  clear?

1 MR. PENDELL: I don't have an  
2 attorney-client relationship with him.

3 MS. HIBBERT: Right. So what  
4 basis are you instructing your client  
5 not to answer?

6 MR. PENDELL: I think I just told  
7 you.

8 So you can do two things. You  
9 can call the judge. You can file a  
10 motion. But he's not going to answer  
11 those questions. I'm done talking about  
12 it.

13 We'll read and sign. Thank you  
14 very much.

15 MS. HIBBERT: Excuse me.

16 MR. PENDELL: Darin, let's go.

17 MS. HIBBERT: You've interrupted  
18 me all day today. I'm asking you a  
19 question. I'm trying to get the basis  
20 of your objection --

21 MR. PENDELL: I just gave it to  
22 you.

23 MS. HIBBERT: -- and you're  
24 walking out of the room.

25 For the record --



1 MR. PENDELL: I gave it to you.  
2 I'm not going to argue with you about  
3 it. I gave you the basis of it.

4 MS. HIBBERT: But you're not  
5 giving me any opportunity to respond and  
6 have a conversation on the record about  
7 this.

8 Counsel, earlier you would not  
9 converse with me off the record, and now  
10 you're refusing to converse with me on  
11 the record, just to be clear?

12 MR. PENDELL: I'm not going to  
13 argue with you about it. I've stated my  
14 position. You've stated yours. You go  
15 do what you're going to do. We're  
16 leaving.

17 MR. ARNOLD: I don't believe we  
18 are on the record anymore. The  
19 deposition is over.

20 MS. HIBBERT: No. We are on the  
21 record, and we're going to continue to  
22 be on the record until I agree to go  
23 off. Because both parties have to agree  
24 to go off the record in this case.

25 MR. HALLER: Thank you,

1 Mr. Kearns. And I'm sorry about your  
2 brother-in-law.

3 MS. HIBBERT: We can stay on the  
4 record for my part, and I don't need  
5 opposing counsel in the room for this.

6 I disagree with the objection and  
7 the basis of the objection raised by  
8 opposing counsel. It's not appropriate.

9 It's not appropriate to instruct  
10 your witness not to answer when there's  
11 no privilege objection or privileged  
12 information on the table or being asked  
13 about. And we will file a motion on  
14 this issue.

15 Thank you.

16 THE VIDEOGRAPHER: Off the  
17 record?

18 MR. HALLER: All set.

19 THE VIDEOGRAPHER: Off the  
20 record, 6:47.

21 (Time noted: 6:47 p.m.)  
22  
23  
24  
25

1  
2  
3  
4           Whereupon, counsel was requested to give  
5 instruction regarding the witness's review of  
6 the transcript pursuant to the Civil Rules.  
7  
8

9                               SIGNATURE:

10           Transcript review was requested pursuant  
11 to the applicable Rules of Civil Procedure.  
12  
13

14                           TRANSCRIPT DELIVERY:

15           Counsel was requested to give  
16 instruction regarding delivery date of  
17 transcript.  
18  
19  
20  
21  
22  
23  
24  
25

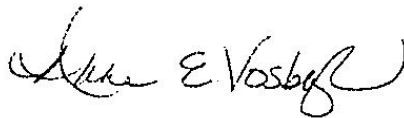
C E R T I F I C A T E

I, ANNE E. VOSBURGH, Certified Shorthand Reporter, Registered Professional Reporter, Certified Realtime Reporter, and Notary Public, hereby certify:

That DARIN KEARNS was duly sworn by me, an authorized Notary Public, and that this deposition is a true and correct record of the testimony given by such witness to the best of my knowledge and ability.

I further certify that I am not related to any of the parties to this action and that I am in no way interested in the outcome of this matter.

In witness whereof, I have hereunto set my hand this day, December 10, 2018.



Anne E. Vosburgh, CSR-6804, RPR, CRR

Veritext Legal Solutions  
1100 Superior Ave  
Suite 1820  
Cleveland, Ohio 44114  
Phone: 216-523-1313

December 10, 2018

To: Michael J. Pendell

Case Name: In Re: National Prescription Opiate Litigation v.

Veritext Reference Number: 3150798

Witness: Darin C. Kearns                      Deposition Date: 12/5/2018

Dear Sir/Madam:

Enclosed please find a deposition transcript. Please have the witness review the transcript and note any changes or corrections on the included errata sheet, indicating the page, line number, change, and the reason for the change. Have the witness' signature notarized and forward the completed page(s) back to us at the Production address shown above, or email to [production-midwest@veritext.com](mailto:production-midwest@veritext.com).

If the errata is not returned within thirty days of your receipt of this letter, the reading and signing will be deemed waived.

Sincerely,  
Production Department

NO NOTARY REQUIRED IN CA

DEPOSITION REVIEW  
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 3150798

CASE NAME: In Re: National Prescription Opiate Litigation v.

DATE OF DEPOSITION: 12/5/2018

WITNESS' NAME: Darin C. Kearns

In accordance with the Rules of Civil  
Procedure, I have read the entire transcript of  
my testimony or it has been read to me.

I have made no changes to the testimony  
as transcribed by the court reporter.

\_\_\_\_\_  
Date Darin C. Kearns

Sworn to and subscribed before me, a  
Notary Public in and for the State and County,  
the referenced witness did personally appear  
and acknowledge that:

They have read the transcript;  
They signed the foregoing Sworn  
Statement; and  
Their execution of this Statement is of  
their free act and deed.

I have affixed my name and official seal

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission Expiration Date

DEPOSITION REVIEW  
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 3150798

CASE NAME: In Re: National Prescription Opiate Litigation v.

DATE OF DEPOSITION: 12/5/2018

WITNESS' NAME: Darin C. Kearns

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have listed my changes on the attached Errata Sheet, listing page and line numbers as well as the reason(s) for the change(s).

I request that these changes be entered as part of the record of my testimony.

I have executed the Errata Sheet, as well as this Certificate, and request and authorize that both be appended to the transcript of my testimony and be incorporated therein.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Darin C. Kearns

Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;  
They have listed all of their corrections in the appended Errata Sheet;  
They signed the foregoing Sworn Statement; and  
Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission Expiration Date

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[grant - hibbert]

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[hibbert - impact]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2016. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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